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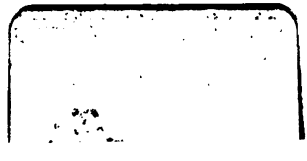

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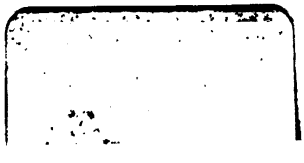

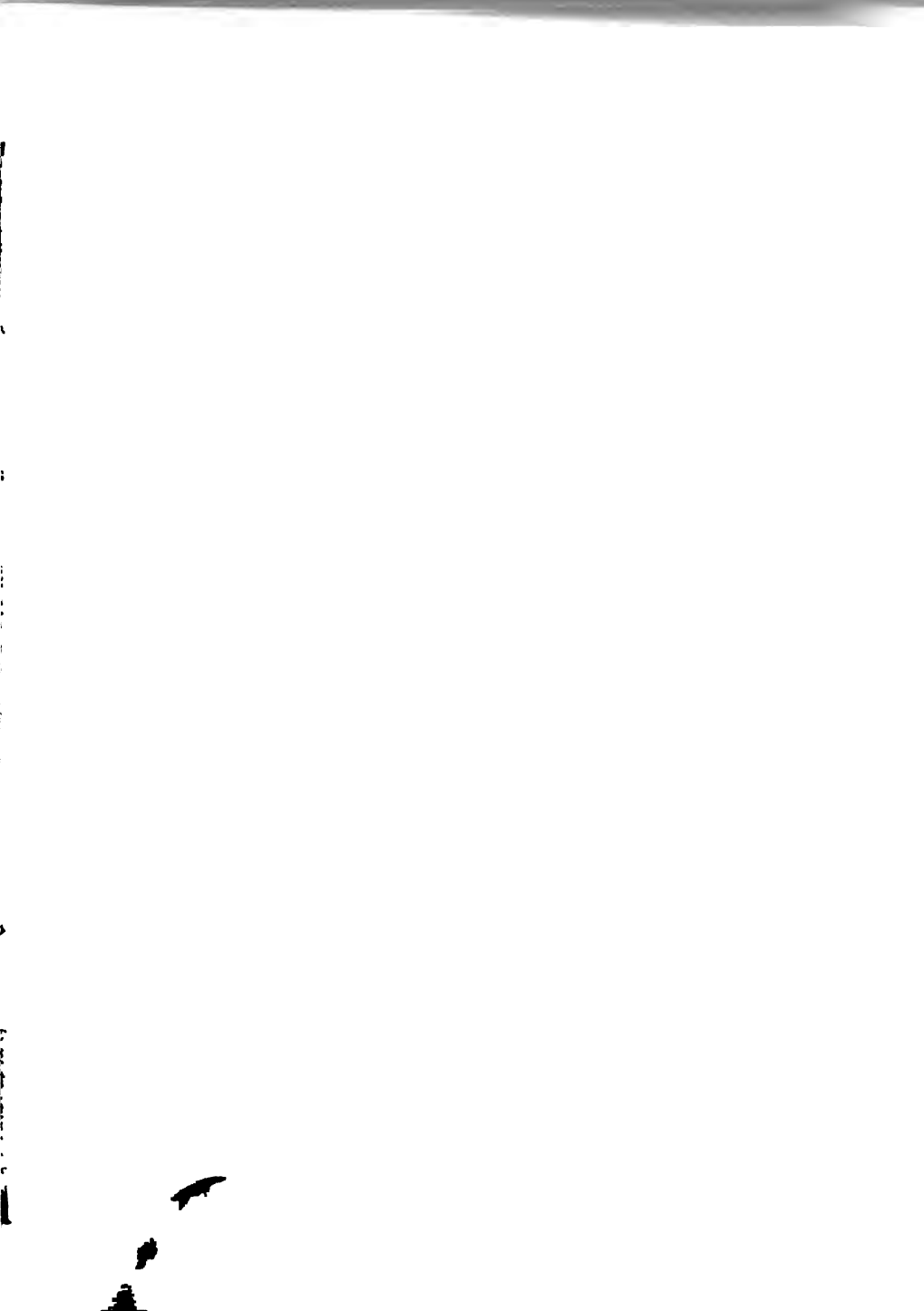

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THE OHIO MANUAL OF LEGISLATIVE PRACTICE

PUBLISHED BY THE AUTHORITY OF THE

Seventy-Fourth General Assembly, 1900-1901

PART I.—Constitution of the State of Ohio with Annotations.

PART II.—Legislative Section of the Revised Statutes.

PART III.—Rules of Legislative Practice.

PART IV.—Official Directory of the Senate of the 74th General Assembly.

PART V.—Official Directory of the House of Representatives of the 74th General Assembly.

COLUMBUS:
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1900

REVISED AND CORRECTED FOR THE
SESSION OF 1900.

PREFACE.

THIS edition of the Manual of Legislative Practice in the State of Ohio, is published under the authority of the Seventy-Fourth General Assembly, as set out in a Joint Resolution (No. 18) by Senator Oscar Sheppard of the Third District; by the unanimous adoption of a special report of the Joint Committee on Rules to both houses; and by the further provision for a thorough revision of the contents of the book.

In the present edition, it has been thought proper to change the arrangement, appearance and contents of the Manual, and to consolidate and codify the former separate rules of the two houses, and the joint rules, into a proper digest, which has been adopted as the rules of legislative practice. This is done, that the book may the more nearly meet the changing requirements of modern legislative proceedings which tend toward compact and accurate results, rather than toward the more elaborate methods of former adherence to purely "parliamentary practice", and which demands effectiveness, rather than the older and more tedious usages.

The annotations to the Constitution of the State of Ohio have been brought down to date, through volumes 44 to 62 Ohio State Reports, by the Hon. E. O. Randall, Reporter of the Supreme Court of Ohio, and include all decisions of that court on constitutional questions. His services are especially acknowledged.

The illustration of the volume has been made possible by the assumption of the expense by Mr. Uhl, Clerk of the Senate, and by Mr. McElroy, Clerk of the House of Representatives.

The style of the official directory has been changed to increase its value as a source of ready information on matters pertaining to the General Assembly.

ELLIOT HOWARD GILKEY,
Asst. Clerk of Senate.

Columbus, 1900.

PART FIRST.

THE

CONSTITUTION

OF THE

STATE OF OHIO

WITH REVISED ANNOTATIONS THEREON BY

E. O. RANDALL,

Reporter of the Supreme Court of Ohio.

1900

CONSTITUTION

OF THE

STATE OF OHIO.

We the people of the State of Ohio,[1] grateful to Almighty God for our freedom, to secure its blessings and promote the common welfare, do establish this Constitution.

[1] For original boundary lines of Ohio, see act of Congress approved April 30, 1802. 1 Chase, 70.

For a complete history of the question of boundary between Ohio and Michigan, see Daniels v. Stevens, 19 Ohio, 230, Myers v. Manhattan Bank, 20 Ohio, 283.

In Booth v. Hubbard, 8 Ohio St. 243, it was held, that the territorial limits of this State extended on the southeast, at least to the line of ordinary low-water mark on the northwest side of the Ohio river. The Court said: "It does not become necessary in this case, to determine whether the middle of the Ohio river, the filum medium aquæ, does or does not constitute the boundary line between the States of Virginia and Ohio." Ib., 245.

However it may be as to our boundary, so far as territory is concerned, it seems that as to navigation and authority with respect to matters civil and criminal, Ohio has jurisdiction concurrent with Virginia and Kentucky over the entire river, along the borders of those States. The question was much considered in the commission that grew out of what is known as the Parkersburg case; and full abstracts of the arguments will be found in the Western Law Journal, Vol. 4, pp. 145-164; Vol. 5, pp. 433-437. See also Eckerts v. Colvin, 1 West. Law Jour., 54 — Wood and Read, JJ.; Ohio v. Stevens, 2 West. Law Jour., 66; s. c. in error, 14 Ohio, 386; West. Law Jour., 310, 337; McCullock v. Aten, 2 Ohio, 308; Benner v. Platter, 6 Ohio, 505; Blanchard v. Porter, 11 Ohio, 138. See Const. 1802, Art. VII, § 6.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All men are, by nature,[1] free and independent, and and have certain inalienable rights, among which are those of enjoying and defending[2] life and liberty, acquiring, possessing and protecting property,[3] and seeking and obtaining happiness and safety.

[1] The presumption is that every person in the State, whether a citizen or not, comes within the provision. Birney v. State, 8 Ohio, 230-238. "The absolute and equal freedom of all persons at birth is a fundamental principle of American institutions, proclaimed with independence and incapable of abrogation. This principle was, by the Ordinance of 1787, impressed on the soil of Ohio, before there was an organized community within her limits; it is fundamental in her organization; always embodied in her Constitution; and her laws, her policy, and the convictions; the morals and the religion of her people are instinct with its spirit." Anderson v. Poindexter, 6 Ohio St. 622-634 — Brinkerhoff, J.

[2] "It is urged that the law in Ohio is, that a person assailed may in all cases, without retreating, take his assailant's life if he reasonably believe it necessary in order to do so to save his own life, or to avoid great bodily harm, and this, although he could, without increasing his danger, retire, and thereby escape all necessity of slaying his adversary. As to what is the precise state of the law on this subject, there is some diversity of opinion among the members of this court, and therefore, without attempting at this time to lay it down, we prefer to dispose of the case upon a view which is satisfactory to us all. . . . . Whether a person assaulted is or is not bound to quit the combat, if he can safely do so, before taking life, it will not be denied that, in order to justify the homicide, he must at least, reasonably apprehend the loss of his own life, or great bodily harm, to prevent which, and under a real or supposed necessity, the fatal blow must be given. And again, the combat must not have been of his own seeking, and he must not have put himself in the way of being assaulted, in order that when assaulted, and hard pressed, he might take the life of his assailant." Stewart v. State, 1 Ohio St. 66-72 — Thurman, J.

With respect to the service, beyond the limits of Ohio, of a writ issued by a justice of the peace, the court said: "No legal or moral obligation required the constable to attempt its execution in Indiana, and an arrest made upon it there was a violation of both public and private rights. Services rendered under such circumstances are both voluntary and without authority of law." Smith v. Portage Co., 9 Ohio, 25-28—Wood, J.

Whether jurisdiction acquired over the person by bringing the party within our territorial limits, forcibly or fraudulently, can be maintained. See Gill v. Miner, 18 Ohio St. 182, and cases there cited.

[3] "When the nature of the question, and the history of the rulings on the subject of defending person and property, which have illustrated the advancement of the common law from rude and barbarous to refined and enlightened civilization, are clearly taken into view, we shall find the reasoning of Justice Redfield altogether safe, and exactly in harmony with the system of government and society to which it is applied. It is well settled, says the Justice (in the State v. Downer, 8 Vermont, 424), that one may defend the possession of his property against a stranger with such force as may be necessary. But this right can not be extended to the case of an officer, whose duty it is to attach property whenever he is requested so to do. He may or may not require indemnity for the act. But it would be too much to say that he must decide all questions of

doubtful property at his own hazard, or that if he attempted to make an attachment when the property was not, in fact, in the debtor, he might, by the owner of the property, be resisted to any extremity. . . . . It must be familiar to all, that while the tendency of the best and highest American decisions, as well as the very genius of our government, are favorable to an increased regard for the sanctity of the person, by the same law many measures of defense as to property have become obsolete and shocking to the enlightened humanity of the day. If the rule that one must retreat to the wall before killing his assailant has passed away, so has the day of man-traps and spring-guns. . . . . We hold, then, the better and safer and only practical rule to be, that whenever the question of property is so doubtful that the creditor and officer may be supposed to act, and do act in good faith, and on reasonable grounds for believing the property to be that of the debtor, the owner has no right to resist the execution or attachment by a breach of the peace." Again: "The conversion of an execution into an alias writ can not affect the protection due to the constable to whom it was delivered. . . . . It was irregular, but not void." Faris v. State, 3 Ohio St. 159-166, 168 — Warden, J.

Section 4717 of the Revised Statutes, which provides for two days' labor on the public highways of this State, is not in conflict with the Constitution, and is a valid law. Dennis v. Simon, 51 Ohio St., 288. By the Court.

1. The act entitled "An act to tax the business of trafficking in cigarettes or cigarette wrappers," passed April 24, and took effect August 1, 1893 (90 Ohio Laws, 235), is not in conflict with the Constitution of Ohio, nor with the Constitution of the United States.

2. Said act does not authorize the assessment or collection of such tax for the year 1893. Metz v. Hagerty, Auditor et al., 51 Ohio St., 521. By the Court.

It is an offense, under section 6964 of the Revised Statutes, to sell quail in this State, except between the tenth day of November and the fifteenth day of December, though such quail were killed outside of the State, and where it was lawful to kill the same. The section is constitutional. Roth v. State, 51 Ohio St., 209. By the Court.

SEC. 2. All political power is inherent in the people.[1] Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the General Assembly.[2]

[1] "The Constitution apportions political power among the inhabitants of the State as nearly equal as possible, in proportion to numbers, without any regard whatever to property, or indeed to any other circumstance. Inhabitants alone are represented; a given number in one place exercise the same political power as a like number in any other locality." State v. Dudley, 1 Ohio St. 437-442 — Ranney, J.

[2] Consolidated railroad companies organized in pursuance of the act of April 10, 1856 (53 v. 143), are corporations formed under a general law, within the meaning of article 13, section 2, of the Constitution, and as such are subject to the limitations and reservations contained in this section; and the general assembly may alter and regulate rates of fare chargeable by such companies. Shields v. State, 26 Ohio St. 86; affirmed, Shields v. Ohio, 95 U. S. 319.

SEC. 3. The people have the right to assemble together, in a peacable manner, to consult for their common good; to instruct their representatives; and to petition the General Assembly for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

When a body of militia perform their evolutions, with martial music, and firing, so near the court house as to interrupt or suspend the business of the court, the officers may be proceeded against for contempt if they refuse to desist on request. State v. Coulter, Wright's Rep., 421; State v. Goff. Ib., 78.

In the first of these cases the court said: "This clause in the Constitution clearly shows the light in which the framers of this instrument viewed resort to mercenary troops in any degree independent of the civil authority. They held such a force dangerous to liberty, and that unalterably and forever to regard it so, was a great and essential principle of liberty and free government. The determination was to constitute the militia, as only a portion of the executive authority, upon whom was devolved the duty of executing the laws and protecting its ministers from violence. It is declared a duty equally essential to liberty to regard even the militia a military force, to be forever kept under a strict subordination to the civil authority. The fathers of the Republic had studied human nature deeply. Devoted to free institutions they were jealous of any influence tending to their destruction. Hence the emphatic annunciation of the essential principle that the military should be kept under strict subordination to the civil authority. Not a word is found in the Constitution giving countenance to the opinion sometimes expressed, and more frequently felt, that the militia or the military force, instead of being a means to be employed by the executive department in executing the important duty of executing the laws, are a distinct department of the government, equal to either of the others, and independent of their control." 424-425 — Wood and Wright, JJ.

SEC. 5. The right of trial by jury shall be inviolate.

A jury is defined to be "a convenient number of citizens, selected and impartial, who, on particular occasions, or in particular causes, are vested

with discretionary powers to try the truth of facts, on which depend the property, the liberty, the reputation, and the lives of their fellow-citizens." It is "a certain number of men sworn to inquire of and try a matter of fact, and declare the truth upon such evidence as shall be given them in a cause; and they are sworn judges upon evidence in matters of fact." "The occupying claimant laws of Ohio came under the consideration of the Supreme Court in the case of the Bank of Hamilton v. Dudley, 2 Peters, 133. In that case the court concede that the State has the power to secure to claimants of lands their possessions until paid for lasting improvements made by them on the land, but denies the power of the State, by its enactments, to 'change, radically, the mode of proceeding prescribed for the courts of the United States, or direct those courts, in a trial at common law, to appoint commissioners for the decision of questions which a court of common law must submit to a jury.' Such a proceeding, the court suppose, would conflict with the clause in the Constitution of the United States, which declares that in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.' It appears to us obvious that the provision of the Constitution just quoted, applies only to the courts of the United States, and does not prescribe a rule of practice for the courts of a State. . . . . Indeed, we are unable to discover wherein the law of Ohio conflicts with the Constitution of Ohio. Were we to decide otherwise, there is a series of legislative acts, commencing with the organization of our Government and continuing to this time, that we should be compelled to declare void. We allude to enactments providing juries in cases of forcible entry and detainer, for the trial of the rights of property . . . . for inquiry in cases of idiocy and lunacy," etc. Hunt v. McMahon, 5 Ohio 132-135 — Wright, J.

The only way in which we can ascertain the true meaning of this clause is by making inquiry whether, before the Constitution was framed, jury trial was known in such cases in the Territory of Ohio. . . . . On what principle is it that juries are dispensed with in the greater number of our courts — in courts of equity, courts of admiralty, courts of martial, and courts of justices of the peace? Magna Charta declares that no man shall be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land. Mr. Sullivan (§§ 39, 40) remarks that, as the juries were unknown in those courts before the great charter, their disuse constituted a part of the law of the land; and therefore, although the charter was the first great instrument which solemnly guaranteed jury trial to Englishmen, yet it has never been supposed that that institution constituted a part of the machinery of those courts. . . . . He who will take the trouble to examine our laws, as well before as since the formation of our Constitution, will find that they are uniformly regarded as an appendage to the courts only. No juries are ever mentioned but such as are auxiliary to the administration of justice in some court. . . . . Objections of this kind should ever be listened to with attention and earnestness; for although to decide upon the constitutionality of a law, is a duty which no judge should court, yet it is also one from which no judge should shrink." Willyard v. Hamilton, 7 Ohio, 2 pt., 111-118 — Grimke, J.

Constitution of Ohio—Article I, Section 5.

"By the first of these sections (§ 5) the right of trial by jury is recognized to exist, and its continuance unimpeached is provided for. By the last (§ 10) this right is declared to belong to every person accused of any crime or offense, in any court of the State. What, then, is this right? It is nowhere defined or described in the Constitution. It is spoken of as something already sufficiently understood, and referred to as a matter already familiar to the public mind. The same article furnishes other examples of the same generality of expression. . . . . If ages of uninterrupted use can give significance to language, the right of jury trial and the habeas corpus stand as representatives of ideas as certain and definite as any in the whole range of legal learning. The institution of the jury referred to in our Constitution, and its benefits secured to every person accused of crime, is precisely the same, in every substantial respect, as that recognized in the great charter, and its benefits secured to the free men of England, and again and again acknowledged in fundamental compacts as the great safeguard of life, liberty and property; the same brought to this country by our forefathers, and perseveringly claimed as their birthright in every contest with arbitrary power; and finally, an invasion of its privileges prominently assigned as one of the causes which was to justify them in the eyes of mankind in waging the contest which resulted in independence. . . . . We do not intend to imply a doubt of the constitutionality of the act allowing juries before justices of the peace, composed of six men. Wherever facts are to be found in any proceeding, in which a jury was not required by the common law, a jury of any number may be authorized, within the discretion of the legislative body. Juries did not belong to these inferior courts at the common law; and so long as an appeal is provided for to the common law courts from their determination, it is clear no constitutional objection can arise, whether facts are found by the magistrate, or by the aid of a jury or any number of men." Work v. State, 2 Ohio St. 296-302 — Ranney, J.; Norton v. McLeary, 8 Ohio St. 209.

It is beyond the power of the general assembly to impair the right or materially vary its character. The number of jurors can not be diminished or a verdict authorized short of a unanimous concurrence of all the jurors. It follows that the act of 1853 "defining the jurisdiction and regulating the practice of probate courts," (51 v. 167) in so far as it provides for a jury of six only, and authorizes a conviction upon their finding, is unconstitutional and void, Work v. State, 2 Ohio St. 296; and no power could be derived by the court from the common law because "our courts have no common law jurisdiction in criminal cases." Sovereign v. State, 4 Ohio St. 489-492.

But the act of May 1, 1854, to "extend the jurisdiction of justices of the peace," etc., (52 v. 100) is not unconstitutional, although it makes no provision for the trial by a jury of twelve men, of actions commenced in virtue of such extended jurisdiction. Norton v. McLeary, 8 Ohio St. 205. "It is true that the act may subject the defendant to a trial before a justice of the peace before he can obtain a trial by jury; still the right of trial by jury remains unimpaired and perfect. The mode of obtaining it may be more

inconvenient than heretofore. But on this subject a discretion is given to the Legislature which must be so far abused as to be clearly violative of the substantial right, before this court can interfere to nullify legislative action." Ib. 20—Scott, J; see also Reckner v. Warner, 22 Ohio St. 275—McIlvaine, J.

The constitutional right of trial by jury is not infringed when the accused may have it or not, at his election. Dillingham v. State, 5 Ohio St. 280-288.

The provisions of the act of January 9, 1871 (68 v. 6), conferring jurisdiction upon courts of common pleas to appoint guardians of the property of persons incapable of taking care of and preserving their property by reason of intemperance and habitual drunkeness, are not in violation of the provisions of this section. Hagany v. Cohnon, 20 Ohio St. 82.

See Art. I, § 10, Note 5; Art. I, § 19, Note 7; Art. XIII, § 5, Note 6; Inwood v. State, 42 Ohio St. 186.

SEC. 6. There shall be no slavery in this state, nor involuntary servitude unless for the punishment of crime.

SEC. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted.[1] No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools, and the means of instruction.[2]

1. "Neither Christianity nor any other system of religion is a part of the law of this state. We sometimes hear it said that all religions are tolerated in Ohio; but the expression is not strictly accurate; much less accurate is it to say that one religion is a part of our law, and all others only tolerated. It is not by mere toleration that every individual here is protected in his belief or disbelief. He reposes not upon the leniency of government, or the liberality of any class or sect of men, but upon his natural, indefeasible rights of conscience, which, in the language of the Constitution, are beyond the control or interference of any human authority. We have no union of Church and State, nor has our government ever been

vested with authority to enforce any religious observance simply because it is religious. Of course, it is no objection, but on the contrary, is a high recommendation to a legislative enactment, based upon justice or public policy, that it is found to coincide with the precepts of a pure religion; but the fact is nevertheless true, that the power to make the law rests in the legislative control over things temporal, and not over things spiritual. Thus, the statute prohibiting common labor on the Sabbath (29 v. 161), could not stand for a moment as the law of this State, if its sole foundation was the Christian duty of keeping that day holy, and its sole motive to enforce the observance of that duty. For no power over things merely spiritual has ever been delegated to the government, while any preference of one religion over another, as the statute would give upon the above hypothesis, is directly prohibited by the Constitution. Acts evil in their nature, or dangerous to the public welfare, may be forbidden and punished, though sanctioned by one religion and prohibited by another; but this creates no preference whatever, for they would be equally forbidden and punished if all religions permitted them. Thus, no plea of his religion could shield a murderer, ravisher, or bigamist; for community would be at the mercy of superstition, if such crimes as these could be permitted with impunity, because sanctioned by some religious delusion."' Bloom v. Richards, 2 Ohio St. 387-390—Thurman, J.; McGattrick v. Wason, 4 Ohio St. 566.

The statute prohibiting common labor on the Sabbath is to be regarded as a mere municipal or police regulation, whose validity is neither strengthened nor weakened by the fact that the day of rest it enjoins is the Sabbath day. Wisdom requires that men should refrain from labor at least one day in seven, and the advantages of having the day of rest fixed, and so fixed as to happen at regularly recurring intervals, are too obvious to be overlooked. It was within the constitutional competency of the general assembly to require this cessation of labor, and to name the day of rest. It did so by the act referred to, and, in accordance with the feelings of a majority of the people, the Christian Sabbath was very properly selected. But, regarded merely as an exertion of legislative authority, the act would have had neither more nor less validity had any other day been adopted." Ib., 391; Sellers v. Dugan, 18 Ohio, 489-490—Avery, J.

1. Section 7032a, Revised Statutes, making it, among other things, an offense punishable by fine and imprisonment for any one on the first day of the week commonly called Sunday, to play base ball or exhibit "any base ball playing" neither requires nor prohibits any religious observance, and does not, therefore, violate the right of conscience in matters of religion secured to the individual by the *seventh* section of our bill of rights.

2. It is competent to the general assembly in the exercise of its legislative power to adopt all such wholesome laws as may be necessary to promote the peace, health and well-being of society; laws fixing regularly recurring days of rest from all secular pursuits, such as our Sunday laws, are of this character, and do not violate the personal liberty of the individual, secured by the *first* section of our bill of rights. State v. Powell, 58 Ohio St., 324. Minshall, J.

Constitution of Ohio—Article I, Sections 7 and 8.

[2] "The system of public education in Ohio is the creature of the Constitution, and the statutory laws of the State. It is left to the discretion of the general assembly, in the exercise of the general legislative power conferred upon it (Art. II, § 1), to determine what laws are 'suitable' to secure the organization and management of the contemplated system of common schools, without express restriction, except that 'no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this State.'" (Art. VI, § 2,), State v. McCann, 21 Ohio St. 198-205—Day, J.

Under the Constitution and laws of the State, the right to classify the youth of the State for school purposes, on the basis of color, and to assign them to separate schools for education, both upon well recognized and legal principles and repeated adjudications, is too firmly established to be now judiciously disturbed. Ib. 208; State v. City of Cincinnati, 19 Ohio, 178; Van Camp v. Board of Education of Logan, 9 Ohio St. 406.

The Constitution does not enjoin or require religious instruction or the reading of religious books, in the public schools of the State. Board of Ed. v. Minor, 23 Ohio St. 211.

The legislature having placed the management of the public schools under the exclusive control of directors, trustees, and boards of education, the courts have no rightful authority to interfere by directing what instructions shall be given, or what books shall be read therein. Ib.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion the public safety requires it.

"In what does the privilege of this great bulwark of personal liberty consist? The Constitution furnishes no answer, nor was it necessary that it should. If ages of uninterrupted use can give significance to language, the right of jury trial and the habeas corpus stand as representatives of ideas as certain and definite as any other in the whole range of legal learning." Work v. State, 2 Ohio St., 296-302—Ranney, J.

"The privilege of the writ of habeas corpus is secured by our National and State Constitutions to every citizen. It can only be suspended or withheld in cases of rebellion or invasion, when the public safety may require it. Subject to that reserved right of the National or State governments, to be employed in the extreme cases named, each citizen is vested with this ancient and sacred shield of liberty. To the judicial department of the government is delegated the duty of enforcing applications for its invaluable benefits, when properly demanded. Our statute relating to the subject gives to the judges of the courts, separately, at chambers, jurisdiction of the subject-matter in all cases, except when the person is convicted of a crime or offense, and stands committed for it; or where he is committed for treason or felony, the punishment whereof is capital, plainly expressed in the warrant of commitment. Not only is such jurisdiction given to the judges, but when the person who is unlawfully deprived of his liberty makes his application to one of them, as provided in the law for the benefits of the writ, it is made

the duty of such judge forthwith to issue it. The exempted cases of convicted persons who stand committed, and of treason or felony, punishable capitally, are the only restrictions upon the power of a single judge. The common law courts are clothed with power adequate for those, and for all other cases which may arise. In the exercise of this power by a single judge, or a court, every case of unlawful imprisonment may be reached and examined into. No matter where or how the chains of captivity were forged, the power of the judiciary, in this State, is adequate to crumble them to dust, if an individual is deprived of his liberty, contrary to the law of the land.'" Ex-parte Collier, 6 Ohio St. 55-58, 59—Bowen, J.

If a court, having jurisdiction of an offense punishable by a valid and constitutional law pronounces sentence, and the commitment under that sentence is returned on habeas corpus, the form of the indictment, or the want or proper allegations therein, cannot be inquired into, nor can the previous proceedings of the court be revised or reviewed; for this process cannot be converted into a writ of error. In such case the court having jurisdiction over the offense must itself pronounce the law of the case, and, until reversed by some competent tribunal, is conclusive on all other courts, and puts an end to all collateral inquiry on habeas corpus. Hence, it is that the statute itself, relating to this writ, except from those who are entitled to the benefit of it, all persons convicted of a crime or offense for which they stand committed, plainly and specifically expressed in the warrant of commitment." Ex parte Shaw, 7 Ohio St. 81; ex parte Bushnell; ex parte Langston, 9 Ohio St. 77-183—Swan, C. J.

Where the court erroneously refuses to grant an order of discharge, and instead thereof remands the prisoner to jail, and continues the cause, the order remanding the prisoner to jail, so long as it remains unreserved, is a valid and legal authority to the sheriff for retaining the prisoner in custody, and the order cannot be reviewed and reversed, or the prisoner discharged, by a proceeding in habeas corpus before another tribunal. Ex parte McGehan, 22 Ohio St. 442.

The act of May 19, 1894, 91 O. L., 346, entitled "An act to regulate the sale of convict-made goods, wares and merchandise, manufactured by convicts in other states," is in conflict with section eight of article one of the Constitution of the United States, and is therefore void. Arnold v. Yanders, 56 Ohio St., 417. Burket, C. J.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

"Who is to decide whether the proof be evident, or the presumption great? Most undoubtedly the same authority which prescribes the amount of bail, and passes upon the sufficiency of the sureties—the judges of the court who exercise this same power in all analogous cases known to our laws. . . .

The appeal must be addressed to the discretion of the court—a sound legal discretion it is true, but one that can only be moulded into action by the evidence brought to bear upon the indictment." State v. Summons, 19 Ohio, 139, 140—Spalding, J.

SEC. 10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other interior offenses,[1] no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury.[2] In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel;[3] to demand the nature and cause of the accusation against him,[4] and to have a copy thereof; to meet the witnesses face to face,[5] and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury[6] of the county or district in which the offense is alleged to have been committed;[7] nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.[8]

[1] "By this section of the Constitution, a presentment or indictment of a grand jury is dispensed with 'in cases of petit larceny and other inferior offenses.' How such offenses should thereafter be prosecuted depend entirely upon legislative discretion. It is very evident that petit larceny is simply named as one of a class of offenses; and equally so, that the class was intended to embrace all offenses for which a punishment less than imprisonment in the penitentiary is provided. This was a classification so long used in our laws, and so well understood, as to leave no doubt that it was the one intended to be adopted by the convention." Dillingham v. State, 5 Ohio St., 280, 282—Ranney, C. J.

"There are many offenses, made so by statute, though decidedly immoral and mischievous in their tendencies, that are not crimes, but at most only quasi criminal, and where the legislature may direct the mode of redress, untrammeled by this constitutional provision. Such are Sabbath-breaking, selling spirituous liquors on Sunday, and the disturbance of religious meetings, with many other. Of such, jurisdiction may be given to justices of the peace, or the mayor of an incorporated town." Markle v. Town Council of Akron, 14 Ohio, 586-589—Wood, C. J.

[2] Where, on an indictment for grand larceny, presented against H. L., a person was arraigned, and pleaded in abatement that his name was not H. L., but W. H. L., and the plea was found to be true, and the name thus disclosed was entered on the minutes of the court, and the trial and further proceedings were had in pursuance of section 112 of the Code of Criminal Procedure of 1869: Held, that this section of the code is not in

contravention of this section of the Constitution. Lasure v. State, 19 Ohio St. 43.

"An individual accused of a crime cannot be compelled to answer the charge until the same has been made through the intervention, of a grand jury, in the form of an indictment or a presentment. Should the legislature pass an act to compel an individual to answer, without this prerequisite, such an act would be in violation of the Constitution, and void. But this clause in the Constitution has nothing to do with the particular forms of indictments. These forms will vary according to the nature of the criminal acts prohibited. The legislature have the power to declare what acts are criminal; and they have the same power to prescribe the forms of indictments for the commission of such criminal acts. They cannot dispense with the indictment itself; but they can dispense with some of its technical formalities." Lougee v. State, 11 Ohio, 68-70—Hitchcock J.; Wolf v. State, 19 Ohio St. 248-255; Turpin v. State, Ib., 540-545.

[3] The court, in the trial of a criminal case, has the power to limit the time to be occupied in the argument of the case to the jury. The exercise of the power should be reasonable, leaving full time for the fair discussion and presentation of the case. Weaver v. State, 24 Ohio St. 584. "The court has no discretionary power over the right itself, for it cannot be denied. And hence, it has no right to prevent the accused from being heard by counsel, even if the evidence against him be clear, unimpeached, and conclusive in the opinion of the court. But the exercise of the right is subject to judicial control to the extent that is necessary to prevent the abuse of it." Dille v. State, 34 Ohio St. 617-620—Gilmore, C. J.

[4] "The indictment, in the contemplation of the Constitution, is that written statement of the nature and cause of the accusation, with all the certainty and substantial requirements heretofore sanctioned and declared essential by the settled law of the country. Why these provisions in the fundamental law of the State? Why the ceremony and expense of a grand jury to find and return an indictment setting out the 'nature and cause of the accusation?' and why guarantee to the accused the right to demand and have a copy of the indictment, if the written averments, descriptive of the crime, are not required to be made with certainty and truth, charging the overt act, with all the substantial and distinguishing ingredients which the statute creating the offense has made essential to constitute the crime? If any one or more of the substantial ingredients or distinguishing constituents of the crime may be omitted, the written accusation required would become a mere snare by which to mislead and entrap the accused on his trial. Where either purpose, intent, or knowledge, is, by the statute, made a distinguishing characteristic of a crime, it is as essential that such purpose, intent, or knowledge should be averred in the description of the act charged as the crime as any other material and distinguishing ingredient." Fouts v. State, 8 Ohio St. 98-114, 115—Bartley, C. J.

The indictment or information must aver all the material facts which it is necessary to prove to produce a conviction, and with such reasonable certainty as to advise the accused what he may be expected to meet on the trial. Dillingham v. State, 5 Ohio St. 280; Lougee v. State, 11 Ohio, 68;

Lamberton v. State, Ib., 282; Anderson v. State, 7 Ohio, 2 pt., 250; Davis v. State, 7 Ohio 1 pt., 205; Hess v. State, 5 Ohio, 1-12; Gatewood v. State, 4 Ohio, 387; Fouts v. State, 8 Ohio St. 98-114.

It is sufficient in an indictment for manslaughter, to charge the crime in accordance with section 92 of the Code of Criminal Procedure of 1869. That section is not repugnant to the Constitution. Wolf v. State, 19 Ohio St. 248.

The provision in section 92 of the Code of Criminal Procedure of 1869, which declares that it shall be sufficient in any indictment, where it is necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, is not in conflict with this provision. Turpin v. State, 19 Ohio St. 540.

[5] "This, like numerous other provisions in the Bill of Rights, is a constitutional guaranty of one of the great fundamental principles well established and long recognized at common law, both in England and in this country. The scope and operation of it are clearly defined and well understood, in the common law recognition of it; and the assertion of it in the fundamental law of the State, was designed, neither to enlarge nor curtail it in its operation, but to give it permanency and secure it against the power of change or innovation. The object of this provision manifestly, is to exclude testimony by depositions, by requiring it to be given orally, in the presence of the accused, on the trial. The admission of testimony by depositions against the accused in a criminal cause, would often afford the prosecutor great advantage over him, as well as furnish, at times, opportunities for abuses beyond the reach of detection by the defendant. Deprived of this right, the accused would often be without the opportunity of cross-examination, without the means of seeing, hearing, or knowing the persons who testify against him, and without the advantage of an oral examination of the witnesses before the jury which is to decide upon his case. But important as this right is, as established at common law and secured by the Constitution, it has application to the matter of the personal presence of the witnesses on the trial, and not to the subject-matter or competency of the testimony to be given. The requirement that the accused shall be confronted, on his trial, by the witnesses against him, has sole reference to the personal presence of the witness, and it in no wise affects the question of the competency of the testimony to which he may depose. When the accused has been allowed to confront, or meet face to face, all the witnesses called to testify against him on the trial, the constitutional requirement has been complied with." Summons v. State, 5 Ohio St. 325-340—Bartley, C. J.

Testimony proving the statement made by a deceased witness on oath, at a former trial between the same parties, being one of the established exceptions to the rule that hearsay is incompetent as evidence, the admission of a witness to give evidence of this kind in a criminal case does not contravene this provision of the Constitution. (Ib., 325). So in regard to evidence of dying declarations, the objection to such evidence going to the competency of the evidence, and not to the competency of the witness. Ib.,

342; Robbins v. State, 8 Ohio St. 131; Montgomery v. State, 11 Ohio, 424; Wagers v. Dickey, 17 Ohio, 439.

[6] "The right of the accused to an impartial jury can not be abridged. To secure this right, it is necessary that the body of triers should be composed of men indifferent between the parties, and otherwise capable of discharging their duties as jurors. Whether in the practical administration of justice the right is infringed, is, necessarily, a judicial question; and whether, in a particular case, a proposed juror has the state of mind which will render him impartial, is a question of fact which it is the duty of the court trying the case to decide. This duty is enjoined by the Constitution, and, it is true, cannot be impaired or the right abridged by legislative action. The previous demeanor of the juror, the information he may have received, or the opinions he may have entertained or expressed, are only evidence of the state of his mind, and are material only as they may tend to show a pre-judgment of the case, the existence of prejudice against either of the parties, or his indifference between them." Cooper v. State, 16 Ohio St., 328-331. White, J. See Martin v. State, 16 Ohio, 364.

The constitutional right of a trial by jury is not infringed, when the option is given to the accused to have the issue tried by the court or the jury, and he submits the cause to the court. Dillingham v. State, 5 Ohio St., 280. And section 42 of the "act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853 (51 v. 167), providing that "upon a plea other than a plea of guilty, if the defendant do not demand a trial by jury, the probate judge shall proceed to try the issue," is a valid and constitutional enactment. Dailey v. State, 4 Ohio St., 57.

The issue made by the plea of not guilty can not be tried by the court, without the waiver by the parties of a jury trial. Slocum v. Lessee of Swan, 4 Ohio St., 161.

But upon the trial of an issue raised by a plea of not guilty, in the higher grades of crime, it is not in the power of the accused to waive a trial by jury, and by consent, submit to have the facts found by the court, so as to authorize a legal judgment and sentence upon such finding. Williams v. State, 12 Ohio St., 622.

Section 8 of the act of April 16, 1857 (54 v. 163), "to authorize the establishment of houses of refuge," and the statute subsequently enacted enlarging the operation of that act so as to authorize commitments to "The State Reform Farm" (55 v. 27), are not repugnant either to this section or to section 5 of this article, although they make no provision for a trial by jury. Prescott v. State, 19 Ohio St., 184.

In a summary proceeding before the probate court, under the act of February 26, 1843, (51 v. 354), on complaint of an administrator against a party suspected of embezzling, concealing, or conveying away the property or effects of the estate, the court has no constitutional power to render judgment against the party so charged, except for such property and effects as he, on his examination, admits himself guilty of having embezzled, concealed, or carried away; and to the extent that the statute professes to authorize a judgment in cases where there is a controversy between the parties, it is unconstitutional. Howell v. Fry, 19 Ohio St., 556.

An ordinance of an incorporated village provided that persons keeping billiard tables, to be used by others, should be imprisoned for a term not exceeding thirty days. Held: that although such an ordinance may have been authorized by section 35 of the Municipal Corporation Act, as amended April 5, 1856 (50 v. 223), yet no corresponding change in the powers and jurisdiction of mayors of incorporated villages, so far as to furnish the means of trial by a jury, having been made, a trial and sentence to imprisonment, by the mayor, of a person charged with a violation of the ordinance, are illegal. Thomas v. Village of Ashland, 12 Ohio St., 124. "It would be a grave question whether the legislature could create a new offense, to be punished by imprisonment, and provide that the trial for such offense should be before a single judge, without a jury. Ib., 129—Gholson, J.

The act supplementary to an act directing the mode of trial in criminal cases, passed March 3, 1860, (57 v. 20), is not repugnant to this section. Cooper v. State, 16 Ohio St., 328.

See further as to trial jury: Art. 1, § 5, and notes; Art. 1, § 19, Note 7; Art. XIII, § 5, Note 6.

[7] In the case of State v. Arrison, which was an indictment for murder, referred to in 8 Ohio St., 124, an order was made by Parker, J., of the Hamilton County Common Pleas, changing the venue to the county of Butler; but the presiding judge (Clark, J.), after full argument, held that this could not be done, in view of this constitutional provision.

[8] "The constitutional provision extends the common law maxim, which was limited to felonies, to all grades of offenses; and it is but the application to the administration of criminal justice of a more general maxim of jurisprudence, that no one shall be twice vexed for one and the same cause. On this maxim rests the whole doctrine of res judicatæ. The object of incorporating it into the fundamental law, was to render it, as respects criminal causes, inviolable by any department of the government." State v. Behimer, 20 Ohio St., 572-576—White, J.

"It is the right of the State, and one of the most solemn and responsible of its duties, to punish crime; and it is the absolute right of any one accused of crime to demand 'a speedy public trial by an impartial jury,' and a verdict declaring his guilt or innocence according to the due course of law. The one is indispensably necessary to the safety of the community and the preservation of peace and order, and the other for the protection of the innocent, and to prevent the oppression, which might otherwise be practiced, by those having charge of State prosecutions. The problem has always been to preserve intact both of these important rights; and the object has been completely accomplished, by holding the accused liable to answer, until, in the regular course of judicial proceedings, the tribunal charged with the issue, without molestation or interference, has had the fullest and amplest opportunity to pass upon the question of his guilt; and by making every interference, on the part of the government, by which a verdict is prevented, while a reasonable hope remains that one may be rendered, an absolute bar to his further prosecution. If a verdict cannot be obtained upon one trial, another may be lawfully had; and the unavoidable delay which ensues is the fault of no one. For the better protection of the accused, the law requires unanimity in the

jury before a verdict can be rendered; but to allow, on the one hand, the ignorance, perversity, or even honest mistake of a single juror, to paralyze the administration of justice, and turn loose upon the community the most dangerous offenders, or, on the other, to allow the government to trifle with the constitutional safeguards of the accused, would equally subvert the foundation principles upon which the criminal code is administered." Dobbins, v. State, 14 Ohio St., 493-501—Ranney, J.

When the defendant, in a criminal prosecution, is discharged under the 161st or 162nd section of the criminal code, on the ground that he has not been brought to trial within the time therein limited, the order of discharge is to be regarded, not as a mere temporary release of the prisoner from confinement, but as a final judgment in the cause, and a bar to all subsequent prosecution for the same crime or offense. Ex parte McGehan, 22 Ohio St., 442.

A jury, charged with the trial of a capital case, after long deliberation unable to agree upon a verdict, may be discharged by the court, and the accused held to a further trial, without any infringement of this provision. The power to do so, against his consent, only exists in cases of absolute necessity, and when the jury have considered the cause for such a length of time as to leave no reasonable expectation that they will be able to agree upon a verdict. Dobbins v. State, 14 Ohio St., 493; Poage v. State, 8 Ohio St., 229-239; Hurley v. State, 6 Ohio, 400.

But where a court, in a criminal case, after a jury have retired to consult on their verdict, discharges them without the assent of the prisoner, and without the existence of a cause for which they might be lawfully discharged, the prisoner cannot be again tried for the same offense. Poage v. State, 8 Ohio St., 229.

"Though the existence of a power was once doubted, it is now well settled that the court has the power, at the instance of the defendant, after a verdict of conviction, to grant a new trial, without infringing this provision. The power has been uniformly exercised in this State, when, in the judgment of the court, a proper case arose." State v. Behimer, 20 Ohio St., 572-576—White, J.

Article five of the amendments of the Constitution of the United States does not operate as a limitation of the power of the State governments over their own citizens, but is exclusively a restriction upon federal power. Prescott v. State, 19 Ohio St., 184.

And see Inwood v. State, 42 Ohio St., 186; Mitchell v. State, 42 Ohio St., 383; and France v. State, 57 Ohio St., 1.

1. The second section of the statute, passed May 4, 1885 (82 Ohio Laws, 237), known as the habitual criminal act, is sufficiently definite to authorize the indictment of a person charged, according to its provisions, with the commission of a third felony, his trial and conviction therefor, and his sentence to imprisonment in the penitentiary of the State during his natural life.

2. To authorize a sentence of imprisonment for life under that statute, the indictment should allege that the defendant had been previously twice convicted, sentenced and imprisoned, in some penal institution for felonies,

describing each separately. In such case the grand jury, at the time it finds an indictment for the third felony, is authorized, if the evidence warrants it, to include in the indictment the facts that the accused had been so convicted, sentenced and imprisoned; and if the trial jury, in their verdict, find these facts to be true, and also convict him of the third felony, the court, after passing sentence of imprisonment for a specific term as prescribed by the statute, should proceed to sentence him to imprisonment for his natural life.

3. The statute does not create a new offense, but attaches an additional penalty to the commission of any felony, where the perpetrator thereof has been twice previously convicted, sentenced and imprisoned on account of other felonies committed by him.

4. The statute, in its operation, does not conflict with section 10 of article 1, of the Constitution of the United States, prohibiting "*ex post facto*" laws, nor with section 28 of article 2 of the Constitution of this State, prohibiting "retroactive" laws, although one, or both, of the previous felonies, charged against him, was committed, and the imprisonment on account thereof inflicted, before the statute in question was enacted. Blackburne v. State, 50 Ohio St., 428. Bradbury, C. J.

SEC. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of the right;[1] and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

[1] "The liberty of the press, properly understood, is not inconsistent with the protection due to private character. It has been well defined as consisting in the 'right to publish, with impunity, truth, with good motives, and for justifiable ends, whether it respects government, magistracy, or individuals.'" Cincinnati Gazette Co. v. Timberlake, 10 Ohio St., 548-555—Scott, J.

Whilst a full, impartial, and correct account of a trial in a court of justice, unaccompanied by defamatory comments, may, in general, be published with impunity, yet this privilege does not extend to the publication of preliminary proceedings merely, which are of a purely ex parte character, such as a statement, in detail, of the contents or substance of an affidavit, made before a police magistrate with a view to the arrest of a party thereby charged with crime. Such publication can be justified only by showing the truth of the charge. Ib., 548; and see the same case on trial below reported in 1 Disney's Rep., 320.

"No man can be held responsible in a civil proceeding for publishing the truth; but he is responsible for publishing a falsehood, unless he shows a justification in the occasion or circumstances. To publish that which is false and injurious to another, must be deemed an abuse. So, if the first publica-

tion of false and injurious matter be an abuse of the right of speech, or of the liberty of the press, and a wrongful act, it can confer no right on another to repeat or republish. This is also an abuse, for which the party repeating or republishing becomes responsible. And it is now well settled that this responsibility cannot be escaped by giving the name of the author or first publisher. And no such doctrine has at any time obtained countenance in reference to a libel or written slander. To repeat what a man hears in conversation is quite a different matter from writing it out and publishing it in a newspaper. Where such libel consists in publishing the fact of an accusation having been made against another, the defendant must show the accusation to be true." Ib., Disney's Rep., 320-322—Gholson, J.

SEC. 12. No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

No man's property can be forfeited as a punishment for crime. Hence, there is no power to deprive a man of the use of his property, unless it be necessary in order to abate an existing nuisance. Miller v. State, 3 Ohio St., 475.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt[1] in any civil action, on mesne or final process, unless in cases of fraud.[2]

[1] The provision of the Bastardy Act (29 v. 43), directing the putative father to be committed to jail in default of giving security to perform the order of the court charging him with the maintenance of his illegitimate child, is not in conflict with this section. The sum in which the defendant is charged with the maintenance of the child is not a debt within the meaning of this provision of the Constitution. Musser v. Stewart, 21 Ohio St., 353; Perkins v. Mobly, 4 Ohio St., 668; Hawes v. Cooksey, 13 Ohio, 242-245.

The provision of the act of April 7, 1863 (60 v. 66, § 2), authorizing the arrest on execution of a party against whom a fine has been judged, and his imprisonment until such fine be paid, or he be otherwise discharged according to law, is not unconstitutional. In re Beall, 26 Ohio St., 195.

[2] This constitutional provision clearly contemplates legislation before any arrest could be made in civil actions, though fraud may have inter-

rupted. Courts, therefore, whether of general or limited jurisdiction, have now no common law power to authorize arrests in such cases, and the power, if it exists at all, must have been conferred by express legislation." Spice v. Steinruck, 14 Ohio St., 213-218—Peck, C. J.

SEC. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

1. The remedy by due course of law guaranteed by section 16 of the Bill of Rights, extends to all the adversary rights of persons in property, and requires that before there is a judicial determination affecting such right process to obtain jurisdiction of the person claiming it shall be issued and served, except that the legislature may provide for a substituted or constructive service to be made when actual service is impracticable. The act of April 27, 1896, entitled "An act to provide for the registration of land titles in Ohio," etc., (92 O. L., 220), is repugnant to this section of the Constitution.

2. Said act is repugnant to section 19 of the Bill of Rights because it attempts to authorize the taking of private property for uses that are not public, and without compensation.

3. Said act is repugnant to section 1, of Art. 4, of the Constitution, because it attempts to confer judicial power upon the county recorder. State ex. rel. v. Guilbert, Auditor of State et. al., 56 Ohio St., 575. Shauck, J.

1. The boundary line between the United States and Canada through Lake Erie is the northern boundary of this State, and its jurisdiction extends to that line.

2. Section 6968, Revised Statutes, as amended February 17, 1892, 89 O. L., 26, is in conflict with section 16, article 1 of the Constitution of this State, and is therefore void, for the reason that it confiscates property without due course of law. Edson et. al. v. Crangle et. al., 62 Ohio St., 49. Burket, J.

1. The act passed May 24, 1885 (82 Ohio Laws, 238), entitled "An act to regulate conditional rates, and sales of personal property, and provide for filing instruments pertaining to the same with certain officers, and making a violation thereof a misdemeanor," is not in conflict with either section sixteen or nineteen of article one, or section sixteen or twenty-eight of article two, of the Constitution of this State.

2. The second section of the act, which makes it unlawful for the vendor of personal property sold as therein specified to take possession of such property without tendering or refunding to the purchaser the sum paid by him, "after deducting therefrom a reasonable compensation for the use of such property," is not invalid on the ground that the amount of such compensation is uncertain, and no method is provided by the act for determining the same. Weil v. The State, 46 Ohio St., 450. Williams, J.

Sections 4014, 4916 and 4918 of the Revised Statutes, so far as they authorize the probate court to declare a turnpike road abandoned and vacated

as a toll road, and thereby to become a free road, without the intervention of a jury, or the right of appeal whereby such jury could be had to determine whether the road or a part thereof has been out of repair for the preceding six months within the statutory meaning, are in conflict with:

1. Section 5, article 1 of the Constitution: "The right of trial by jury shall be inviolate."

2. Section 16, article 1 of the Constitution: "Every person, for an injury done him in his land and goods, shall have remedy by due course of law."

3. The provision in section 1, article 14 of the amendments of the Constitution of the United States, that no person shall be deprived of property without due process of law. Turnpike Co. v. Parks et al., 50 Ohio St., 568. Dickman, J.

1. Section 2316, Revised Statutes, authorizing municipal corporations to postpone, until after a proposed public improvement shall have been completed, a judicial inquiry into claims for damages filed on account thereof, by owners of abutting property, is not in conflict with section 16, of article 1, of the Constitution of 1851.

2. The jurisdiction conferred upon probate courts by sections 2317 to 2321 inclusive, Revised Statutes, to inquire into and determine the damages sustained by owners of abutting property on account of such improvements, is warranted by section 8 of article IV of the Constitution of 1851; and the proceedings had in the probate court may be pleaded in bar of an action subsequently brought in a court of common pleas upon the same claim.

3. A probate court has no power, under the form of a proceedure, to obtain an order *nunc pro tunc*, to inquire into, ascertain and declare of record, the reasons that induced a jury to arrive at the verdict it had rendered in a cause, theretofore tried in that court.

4. The only lawful method of bringing into the record the propositions of law given to the jury on the trial of cause is by a bill of exceptions taken and perfected within the time and in the manner provided by statute. And where at the trial no exception was noted to the charge of the court, and no bill of exceptions attempted to be taken to make that charge a part of the record, the court has no jurisdiction after the cause has ended to ascertain and declare what those propositions were, and a *nunc pro tunc* order to that effect is absolutely void. Toledo v. Preston, 50 Ohio St., 361. Bradbury, C. J.

Section 6563a Revised Statutes, providing: "If the plaintiff in any action for wages recover the sum claimed by him in his bill of particulars, there shall be included in his costs such fee as the court may allow, but not in excess of five dollars, for his attorney. But no such attorney fee shall be taxed in the costs unless said wages have been demanded in writing, and not paid within three days after such demand. If the defendant appeal from any such judgment, and the plaintiff on appeal recover a like sum exclusive of interest, from the rendition of the judgment before the justice, there shall be included in his costs such additional fee, not in excess of fifteen dollars, for his attorney, as the court may allow," is unconstitutional and void. Coal Company v. Rosser, 53 Ohio St., 12. Bradbury. J.

SEC. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this state.

SEC. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

The authority conferred upon commissioners of counties and trustees of townships to grant general and special permission for the animals named to run at large, as conferred by section 2 of the act of April 13, 1865 (62 v. 185), was within the scope of legislative power, and does not conflict with this section. Fox v. Fox, 24 Ohio St. 335.

SEC. 19. Private property shall ever be held inviolate,[1] but subservient to the public welfare.[2] When taken in time of war, or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public,[3] without charge, a compensation shall be made to the owner, in money, and in all other cases where private property shall be taken for public use,[4] a compensation therefor shall first be made in money,[5] or first secured by a deposit of money,[6] and such compensation shall be assessed by a jury,[7] without deduction for benefits to any property of the owner.[8]

[1] The statute for the relief of occupying claimants, passed March 10, 1831 (29 v. 261), requiring the value of the permanent improvements of the bona fide occupant, under color of title, to be paid as a condition precedent to the entry and possession of the owner, although an encroachment on the rights of private property, as settled by the common law, rests upon a strong equity in favor of a compensation for improvements, which have augmented the value of the land, and insured the benefit of the owner. McCoy v. Grandy, 3 Ohio St., 463.

The option which this law gives to the owner of the land, after a recovery in ejectment, either to take the land on paying for the improvements, or to take the amount of its value in money without the improvements, secures to the owner of the property in the land, and at the same time protects the occupying claimant in his equitable claim to a compensation for his improvements. Ib.

But the amendatory act of March 22, 1849 (47 v. 56), giving to the occupying claimant the option which the original act gave to the owner of the land, thus taking the property away from the owner after the solemn form of a recovery and judgment in ejectment, and transferring it to his unsuccessful adversary, who is ordered to be ejected as an intruder on the land, is a palpable invasion of the right of private property. Ib.

In case of a mortgage, a judgment lien, a levy under execution, assessment of a tax, or other incumbrance on land arising out of the owner's lia-

bilities, it is not within the scope of the legislative power to take the fee in the land from the owner and transfer it absolutely to the person holding the claim, while the owner stands ready and insists on discharging the liability and saving his property. Ib.

The competency of the legislative power to transfer the property of one person to another, without the consent of the former, is not shown by any analogy either to proceedings in partition or the bar of the statute of limitations. In the case of the former, although the right of partition is an incident to the estate of tenancy in common, and the division the result of necessity, yet the owner is not divested of his property without the opportunity of saving it by a purchase; and in the case of the latter, the bar of the statute rests upon a rule of evidence raising a presumption that a title has passed, and upon this ground the aid of the judicial power is denied to one who has slept too long on his rights. Ib.

The occupying claimant law rests upon entirely different grounds; and in securing to the occupant a compensation for his improvements, as a condition precedent to the restitution of the property to the owner, it goes to the utmost stretch of the legislative power touching the subject. And the amendatory act of 1849, providing for the transfer of the land to the occupying claimant without the consent of the owner, is in plain conflict with this provision, and is, therefore, unconstitutional and void. Ib.

"The plaintiff's affidavit in replevin of his property and right of possession, and the defendant's possession and claim of right to the same property make a case of disputed ownership to the chattel replevined. Our statute directs its seizure and deliverey over to the plaintiff, if he will give bond with surety to pay to the defendant all damages; and if he do so, then the disputed right of the defendant to the chattel becomes a mere right in action to recover its value from the plaintiff and his sureties; but if the plaintiff fails to give bond, then the property is returned to the defendant, and the plaintiff's right to the chattel is changed into a mere right to recover its value, in that action, from the defendant. And to this there is no constitutional objection." Smith v. McGregor, 10 Ohio St., 461-474—Peck, J.

The provisions of the act of April 4, 1859 (56 v. 154), entitled "an act to provide for the sale or lease of estates entail in certain cases," and of the acts supplemental thereto, passed March 30, 1864, and April 13, 1865, are in conflict with this section, in so far as their operation would authorize the sale, without the consent of the owners, of vested estates in remainder or revision created before the passage of the acts. Gilpin v. Williams, 25 Ohio St., 283.

*This clause clearly prohibits the taking of private property for private use, without the owner's consent. Reeves v. Treas. Wood Co., 8 Ohio St., 333-345. Nor could it be so taken were there no constitutional provision on the subject. Shaver v. Starret, 4 Ohio St., 494-498—Thurman, C. J.

The power of eminent domain is not conferred either by this section, or by the fifth section of Article XIII; they simply prescribe modes for, and limitations upon, its exercise. The power is an inseparable incident of sovereignty, and its exercise for the accomplishment of lawful objects is

conferred upon the general assembly in the general grant of legislative authority (Art. II, § 1). Giesy v. C. W. & Z. R. R. Co., 4 Ohio St., 308.

It may be used to appropriate lands for a public highway of any kind, and this whether the road is built and owned by the public or by a corporation as a public instrumentality, provided that it is kept open for public use as a matter of right, or, according to the nature of the work, the corporation is made a common carrier of goods or of passengers. Ib.

It may be exercised directly or indirectly by the general assembly, without the intervention of the judiciary, except for determining the amount of compensation. But the courts possess full power to determine its proper limits, and to prevent abuses in its exercise. Ib.

The power rests upon public necessity, and can only be exercised where such necessity exists. But this necessity relates rather to the nature of the property, and in the uses to which it is applied, than to the exigencies of the particular case; and it is no objection to the exercise of the power, that lands, equally feasible, could be obtained by purchase. Ib.

Only such interests as will answer the public wants can be taken; and it can be held only so long as it is used by the public, and can not be diverted to any other purpose. Ib.

Under the statute authorizing the appropriation of private property for a public wharf, by a municipal corporation, the discretion of determining the quantity of ground required for such purpose is vested in the corporation; and where, in making the appropriation, this discretion has been exercised by the municipal authorities in good faith, their action is final. Iron R. R. Co. v. Ironton, 19 Ohio St. 299.

Authority to lay down the necessary structure for a street railway, in a common highway or street, and to run cars thereon for the carriage of passengers for hire, may be lawfully granted to a company incorporated for that purpose, when no private right of adjoining lot owners is thereby impaired. Street Railway Co. v. Cumminsville, 14 Ohio St., 524.

The legislature may authorize the occupation of an easement originally acquired by grant or appropriation, in any manner calculated to further the general objects of the acquisition; but may not divert it to purposes which exclude the original uses, or lay additional burdens upon the land, or destroy or impair the incidental easements of adjoining lot-owners in the street or highway. This interest of adjoining lot-owners is properly protected by the Constitution, and subject to be taken or appropriated only upon the condition that compensation is made. Ib; Hatch v. C & I. R. R. Co., 18 Ohio St., 92.

A claimant for damages in the alteration of a road, is not entitled to recover where such alteration merely renders the road less convenient for travel, without directly impairing his access to the road from the improvements on his land. Jackson v. Jackson, 16 Ohio St., 163.

It is well settled that an action lies as well for damage to adjoining property by stopping or impairing the travel on, to, or from a street or highway, as any other damage that can be done to property, although the property injured may not be touched by the obstruction. L. M. R. R. Co. v. Naylor, 2 Ohio St., 235.

The owners of unimproved lots cannot recover damages from a municipal corporation for filling, ditching, or cutting down streets, being presumed to purchase with a view to a reasonable improvement of the streets. Crawford v. Village of Delaware, 7 Ohio St., 459.

The owners of lots upon a street, the grade of which has not been established, must use reasonable care and judgment in making improvements with a view to a reasonable and proper grade; and the town or city will not be responsible for injuries to such improvements by afterwards grading the street, if the grade by ordinary care could have been anticipated. Ib; Cincinnati v. Penny, 21 Ohio St., 499.

But if erections are made on a lot in accordance with an established grade, and the grade is afterwards altered, and a substantial injury is thereby done to the owner of a lot, he is entitled to compensation. Crawford v. Village of Delaware, 7 Ohio St., 459; Street Railway v. Cumminsville, 14 Ohio St., 523; Cincinnati v. Penny, 21 Ohio St., 499.

[3] A township road in this State is a public highway, and subject to the uses of all having occasion to travel it, and may be highly necessary to enable the person or persons most immediately and directly interested in it to discharge properly, and without trespassing on their neighbor's premises, many of the public duties enjoined upon them as citizens of the State. In the establishment of such roads, therefore, by the exercise of the right of eminent domain, private property may be made subservient to the public welfare, on payment thereof in money. Ferris v. Bramble, 5 Ohio St., 109; Shaver v. Starret, 4 Ohio St., 494.

The interest of the public in public roads, consisting of a perpetual easement in the land covered by them, for all the actual uses and purposes of public travel, may, at the discretion of the general assembly, be transferred, without any pecuniary equivalent, to a plank road company, such plank road still remaining a public highway, and subject to the same uses and purposes as before. In such case the company becomes the assignee of the public, and lawfully possessed of the same interest the public had. Such change of the mode of supporting an existing highway cannot be presumed to affect injuriously the rights of the proprietors of the land over which it passes, and if such injury is claimed to have resulted, it must be proved. C. F. & C. P. R. Co. v. Cane, 2 Ohio St., 420.

A person whose land is taken by municipal authority to make or widen streets is entitled to compensation, in money, for the value of the land appropriated to such public use, to be ascertained by a jury. Youngstown v. Moore, 30 Ohio St., 133.

[4] The act of May 1, 1862, entitled "An act to provide for locating, establishing and constructing ditches, drains and water-courses in townships" (59 v. 93), is not repugnant to the Constitution of the State in so far as its provisions relate to the taking of private property for township ditches whenever the public health, convenience or welfare demands it; nor in so far as its provisions relate to the mode of compensating the owner for property taken for the public use; nor in so far as its provisions relate to the assessment of the costs of constructing the ditch upon lands benefitted thereby. Sessions v. Krunkilton, 20 Ohio St., 349. But the act of May 1, 1854, "authorizing the

trustees of townships to establish water-courses," etc., and the amendatory act of April 14, 1857, are in contravention of this section, inasmuch as they authorize an appropriation of private property without reference to the public welfare. Reeves v. Treas. Wood Co., 8 Ohio St., 333.

The act of April 30, 1869 (66 v. 73), "authorizing the building and repairing of levees to protect lands from overflow," is in contravention of this section, inasmuch as under its provisions, private property may be appropriated without reference to the public welfare, and also inasmuch as no provision is made therein for the assessment of compensation by a jury. Smith v. A. & G. W. R. R. Co., 25 Ohio St., 91.

The use for which private property may be taken must be strictly public. A canal is such a public work that private property may be taken in constructing it. Cooper v. Williams, 4 Ohio 253-288; Willyard v. Hamilton, 7 Ohio, 2 pt., 111. And also in repairing it. Bates v. Cooper, 5 Ohio, 115-119. A toll-bridge, authorized by law, is also such a work. Young v. Buckingham, 5 Ohio, 485. So are public streets. Hickox v. Cleveland, 8 Ohio, 543; Symonds v. Cincinnati, 14 Ohio, 147; Brown v. Cincinnati, Ib., 541. So are turnpikes. Kemper v. C. C. & W. T. Co., 11 Ohio, 393. And railroads. Moorehead v. Little Miami R. R. Co., 17 Ohio, 340. And township roads. Ferris v. Bramble, 5 Ohio St., 109; Shaver v. Starret, 4 Ohio St., 494. And township ditches, drains and water-courses, when the public health, convenience or welfare demands them. Sessions v. Crunklinton, 20 Ohio St., 349; and see Reeves v. Treas. Wood Co., 8 Ohio St., 333.

[5] An assessment of damages in the "sum of one hundred and fifty dollars, with a wagon-way and stop for cattle," as the damages sustained by the owner of land taken for the construction of a railroad, is not in conformity with this provision. C. O. R. R. Co. v. Holler, 7 Ohio St., 220.

No valid appropriation of property for public use can be made without a law providing compensation to the owner, to be assessed in the mode prescribed by the Constitution. The Constitution in this particular does not execute itself. McArthur v. Kelly, 5 Ohio St., 140; Foote v. Cincinnati, 11 Ohio 408; Lamb v. Lane, 4 Ohio St., 167; Shaver v. Starret, 1b., 494; Watson's Ex'r v. Trustees of Pleasant Tp., 21 Ohio St., 667.

[6] In case of the assessment of damages for laying out a road over the lands of any person, the damages or compensation for the land necessary to be taken must be paid or tendered in money, or secured to be paid to the acceptance of the owner, before the opening of the road can be ordered. Ferris v. Bramble, 5 Ohio St., 109.

Under the act to provide for locating, establishing and constructing ditches, drains and water-courses (56 v. 58; 58 v. 49), personal notice to the owner of lands sought to be taken for the construction of a ditch is not indispensible in order to its condemnation and appropriation, notice by publication provided for therein being sufficient for that purpose. Cupp v. Com. of Seneca Co., 19 Ohio St., 173.

A landowner failing to make application for compensation or damages within the time limited by the act, will be deemed and held to have waived his right to the same, although he had no actual notice of the proceeding;

and the provision in said act to that effect is not in conflict with this section of the Constitution. Ib.

The proviso in section six of the act of January 27, 1853, "for the opening and regulating roads and highways," declares a rule of evidence whereby a waiver, on the part of the landowner, of his right to compensation may be established, and does not conflict with this section of the Constitution. The rule contained in this proviso cannot be regarded either as a statute of limitation, whereby a right secured by the Constitution is barred immediately upon the accruing thereof, or as a statute declaring the forfeiture of private property. Reckner v. Warner, 22 Ohio St., 275.

[7] This provision applies to all the cases mentioned in the section. Lamb v. Lane, 4 Ohio St., 167.

The word jury in this section, as well as in the other places in the Constitution where it occurs, means a tribunal of twelve men, presided over by a court, and hearing the allegations, evidence and arguments of the parties. And they may be sent to inspect the premises. Ib; Work v. State, 2 Ohio St., 307; Shaver v. Starrett, 4 Ohio St., 494.

An assessment may be made by viewers in the first instance, provided a right of appeal is given to a court in which they may be assessed by a constitutional jury. Lamb v. Lane, 4 Ohio St., 167; In re Wells County Road, 7 Ohio St., 16; Reckner v. Warner, 22 Ohio St., 275.

Under the Constitution of 1802 three disinterested freeholders of the county where the property is situated, appointed by a judge of a court of record, was a competent tribunal to make the assessment. Willyard v. Hamilton, 7 Ohio, 2 pt., 111; Work v. State, 2 Ohio St., 296-307; Kramer v. C. & P. R. R. Co., 5 Ohio St., 140.

The owner of lands is entitled to a jury to assess damages sustained by the establishment of a county road. As fore legislation *quere*. In re Wells County Road, 7 Ohio St., 16.

The act of January 27, 1853, entitled "An act for opening and regulating roads and highways" (51 v. 303), as amended April 8, 1856 (53 v. 119), is not repugnant to the provisions of the Constitution relating to trial by jury, as contained in sections five and nineteen of the first article. The right of appeal therein provided for, to the probate court, where a constitutional jury may be had, validates the statute; and the provision therein for an appeal bond, with sureties, conditioned for the payment of costs adjudged against the appellant, does not contravene the right of trial by jury, as guaranteed by the Constitution. Reckner v. Warner, 22 Ohio St., 275.

See further as to juries and the right thereto, Art I, § 5., and Notes; Art. I, § 10, Note 5; Art. XIII, § 5, Note 6.

[8] In proceedings for the appropriation of private property to public uses, arising under the Constitution of 1802, the construction put upon the instrument by the Supreme Court, that it allowed the benefit conferred to be deducted from the value of the property appropriated, and that it did not require the assessment to be made in a court, or by a jury, will be adhered to by the present Supreme Court. Kramer v. C. & P. R. R. Co., 5 Ohio St., 140.

An assessment upon lands fronting on a street, to reimburse the amount of compensation paid the owner for his other land taken for the use of the street, is authorized by the statute (63 v. 133), and is not in violation of this constitutional provision. Cleveland v. Wick, 18 Ohio St., 303.

The provisions of this section, and of section five of Article XIII—the one requiring compensation to be made without deduction for benefits, when property is appropriated to a public use, and the other providing for compensation irrespective of benefits, where it is taken by a corporation for a right of way—are, in legal effect, identical. When taken under either section, its fair market value in cash, at the time it is taken, must be paid to the owner; and the jury in assessing the amount have no right to consider or make any use of the fact that it has been increased in value by the proposal or construction of the improvement. Giesy v. C., W. & Z. R. R. Co., 4 Ohio St., 309; Hendershot v State, 44 Ohio St., 208.

See State ex. rel. v. Guilbert, Auditor, 56 O. S. 575.

1. The property of a private eleemosynary corporation, although charged with the maintenance of a college or other "public charity," is private property, within the meaning and protection of that clause of section 19, of article 1, of the Constitution of this State, which declares that "private property shall ever be held inviolate."

2. The result of the statute passed April 15, 1892, 89 Ohio Laws, 647, relating to the Cincinnati College, which, in terms, gives absolute control and management of the affairs and property of the Cincinnati College to the directors of the University of Cincinnati, is to take the property of the former and donate it to the latter institution. The statute, therefore, conflicts with section 19 of article 1, of the Constitution of this State, and is void. Ohio ex rel. v. Neff et. al., 52 Ohio St., 375. Bradbury, J.

1. The preliminary resolution declaring the necessity of an improvement, which the council is required to pass, give notice of, and publish as provided in section 2304 of the Revised Statutes, does not apply to the condemnation of private property for opening, extending, straightening, or widening a street.

2. Where land is appropriated for a street improvement, and assessment by the foot front of the property bounding and abutting upon the improvement, to pay the cost thereof, without the passage, notice, and publication of such preliminary resolution, as thus provided, will not thereby be a taking of property without due process of law, in violation of section 1 of the 14th amendment of the Constitution of the United States. Caldwell v. Carthage, 49 Ohio St., 334. Dickman, J.

There is no provision in the statutes whereby the owner of material taken by a supervisor for repair of a public highway, under section 4715 of the Revised Statutes, can have his compensation assessed by a jury as required by section 19 of the bill of rights, and it is therefore invalid; and the owner, resisting a supervisor entering upon his lands under the provisions of said section, is not guilty of resisting an officer under the provisions of section 6908, of the Revised Statutes. Hendershot v. The State, 44 Ohio St., 208. By the Court.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

The section imposes no restriction or limitation on the powers delegated. State v. Covington, 29 Ohio St., 102. But see 1 Ohio St., 77; 34 Ohio St., 260.

ARTICLE II.

LEGISLATIVE.

"All of this article is devoted to the subject of legislative powers and duties. But it has respect to future legislative bodies, and future legislation under this Constitution, rather than to past, under the former Constitution. Allbyer v. State, 10 Ohio St., 588-590—Sutliff, J.

SECTION 1. The legislative power of this state[1] shall be vested in a General Assembly,[2] which shall consist of a Senate and House of Representatives.

[1] "The same provision, in very nearly the same words, is found in the former Constitution. It will be observed that the provision is not that the legislative power, as conferred in the Constitution, shall be vested in the general assembly, but that the legislative power of this State shall be vested. That includes all legislative power which the object and purpose of the State government may require, and we must look to other provisions of the Constitution to see how far, and to what extent, the legislative discretion is qualified or restricted. Hence, the difference between the Constitution of the United States, and a State Constitution such as ours. In the former, we look to see if a power is expressly given; in the latter, to see if it is denied or limited. Therefore, when the power of the Assembly to enact any particular law is drawn into question, the proper inquiry is, whether such an exercise of the legislative power is clearly prohibited by the Constitution. The grant of power being general, the question is as to the existence of a limitation arising fom special prohibition." Baker v. Cincinnati, 11 Ohio St., 534-542—Gholson, J.; Lehman v. McBride, 15 Ohio St., 573-592; Cincinnati v. McCann 21 Ohio St., 198-207. Such prohibition must either be found in express terms, or be clearly inferable, by necessary implication, from the language of the instrument, when fairly construed according to its manifest spirit and meaning. Cass v. Dillon, 2 Ohio St., 607; Evans v. Dudley, 1 Ohio St., 437; Lehman v. McBride, 15 Ohio St., 573-592. But the general assembly, like other departments of government, exercise only delegated authority; and any act passed by it not falling fairly within the scope of "legislative authority," is as clearly void as though expressly prohibited. C., W. & Z. R. R. Co. v Com. Clinton Co., 1 Ohio St., 77.

Constitution of Ohio – Article II, Section 1.

The general grant of legislative power vested in the general assembly by this section includes the power to collect revenue for public purposes, and the limitations on the exercise of this power are to be found in other provisions of this instrument, and in the Constitution of the United States. West. Union Tel. Co. v. Mayer, 28 Ohio St., 521.

1. The act of April 20, 1894 (91 Ohio Laws, 169), amending "An act imposing a collateral inheritance tax," is not repugnant to any provisions of the Constitution, because of its discriminations among collateral kindred.

2. The property "which shall pass by sale" within the meaning of the act, is such only as passes in transactions which are in fact gifts, though in form sales, and the act does not restrict the right to dispose of property by sale for a valuable consideration, which the parties, in good faith, deem adequate. Hagerty, Judge v. The State ex. rel. 55 Ohio St., 618. By The Court.

The act of April 17, 1896, 92 O. L., 185, which prohibits the name of any candidate for office from being placed upon the official ballot more than once, is a valid law. State ex. rel. Bateman et. al. v. Bode et. al., 55 Ohio St., 224. Burket, J.

The power to authorize assessments, as distinguished from taxes proper, is comprehended in the general grant of legislative power to the general assembly. Reeves v. Treas. of Wood Co., 8 Ohio St., 333.

The power to authorize assessments for the construction of free turnpike roads, and the opening of drains, as well as for the improvement of streets and sidewalks, exists to the same extent under the present Constitution as under that of 1802. Ib.

"The enactment of laws for the inspection of commodities is the exercise of a legislative power recognized and sanctioned by long and unquestioned usage here and elsewhere, and is included in the general grant of legislative power conferred by the Constitution upon the general assembly; and among the general, if not invariable, incidents and characteristic features of this class of laws, is the imposition of a charge upon the owners or possessors of the commodities inspected for the services of the inspector, although these services may have been rendered *in invitum* as to such owner or possessor. It is the legitimate exercise of governmental supervision over the business of the manufacturers and venders of certain commodities, in order to protect the public, at home and abroad, against impositions and fraud, and incidentally, to protect manufacturers and venders themselves against unfounded and unjust claims of venders and consumers, as well as against the consequences of their short-sighted cupidity." Cincinnati Gas L. & C. Co. v. State, 18 Ohio St., 237-244—Brinkerhoff, J.

The acts of March 28, 1864, April 6, 1866, April 16, 1867, authorizing county commissioners, township trustees, and city councils to levy a tax for the payment of bounties to volunteers, are authorized by the general grant of legislative power. Cass Tp. v. Dillon, 16 Ohio St., 38; State v. Harris, 17 Ohio St., 608; State v. Wilkesville Tp., 20 Ohio St., 288; State v. Richland Tp., Ib.; State v. Circleville, Ib., 362.

The general assembly, under the general grant of legislative power contained in this section, may, by law, create a board of police commissioners for a city, to be appointed by the governor, and confer upon such board the

power to appoint and control the policemen of such city; and it is no objection to such law that previous to the adoption of the Constitution the electors of the cities of the State had uniformly elected or appointed their own policemen, either directly or indirectly. State v. Covington, 29 Ohio St., 102.

[2] The power of the general assembly to pass laws cannot be delegated by them to any other body, or to the people. C., W. & Z. R. R. Co. v. Com. Clinton Co., 1 Ohio St., 77. But an act authorizing county commissioners to subscribe to the capital stock of a railroad company (enacted under the Constitution of 1802), does not delegate legislative power in providing that the subscription shall not be made until the assent of a majority of the electors of the county is first obtained at an election held for that purpose. Ib.

1. Where, in the manufacture of vinegar, low wine, formed from fermented grain, is, previously to its acetification, passed through roasted malt, not for the purpose of adding any substantial ingredient to the vinegar, but for the purpose of giving it color, as well as aroma and flavor, and without this treatment it would be colorless, the vinegar so produced contains artificial coloring matter within the meaning of section 2 of an act to prevent the adulteration of vinegar, as amended April 14, 1898 (85 Laws, 259); and its possession for the purpose of sale is an offense under the provisions of section 5 of the same act.

2. Section 2 of the above entitled act, as amended April 14, 1888, does not exceed the police power of the State conferred on the general assembly by the Constitution in the general grant of legislative power, and is a valid law. Weller v. State, 53 Ohio St., 77. Minshall, C. J.

1. Where no obligation, legal or moral, rests upon a board of education, to pay a claim asserted against it by a private individual, an act of the general assembly, procured by the claimant, commanding such board to levy a tax for its payment, is unconstitutional and void.

2. In such case, if the board of education disputes the facts asserted by the claimant as the foundation of his claim, the general assembly, while it may make inquiry to ascertain, in the first instance, the truth of the facts so asserted, yet is without authority to conclusively find and recite in the act providing relief, the facts in dispute, so as to estop the board of education from contesting them in a court of justice where the act is sought to be enforced. Board of Education v. State, 51 Ohio St., 531. Bradbury, J.

The act of the general assembly requiring the common pleas judges of the several subdivisions of the common pleas districts of the State, to appoint jury commissioners for the counties in their respective subdivisions, passed April 23, 1894 (91 Ohio Laws, 176) is not in conflict with any of the provisions of the Constitution of the State, and is a valid law. State v. Kendle, 52 Ohio St., 346. Minshall, J.

The act entitled "An act supplementary to chapter one, title six, of the Revised Statutes of Ohio," 86 Ohio Laws, 123, and the amendments of sections one, two, three and ten, 90 Ohio Laws, 81, providing for the payment by the upper county to the lower county of the cost of out-let ditches, are in every respect valid enactments; and on failure on the part of the probate judge of the upper county, on notice from the probate judge of the lower county, to appoint free-holders, as provided in said act, such probate judge

of such upper county may be compelled by mandamus to make such appointment. Cuff, Judge v. State ex rel., 52 Ohio St., 361. By the Court.

1. If a statute is constitutional, it is valid, and cannot be set aside by a court, as being against public policy or natural right. There can be no public policy or right in conflict with a constitutional statute.

2. The fee of four per centum to county auditors, provided for by section 1071, Revised Statutes, does not disqualify such auditors from performing the duties, and exercising the powers, imposed on them by section 2781 and 2782, Revised Statutes.

3. As to what constitutes "a false return," under section 2781, Revised Statutes, Ratterman v. Ingalls, 48 Ohio St., 468, is followed and approved. Probasco v. Raine, Auditor, 50 Ohio St., 378. Burket, J.

1. The tax authorized by the act of May 14, 1894 (91 Ohio Laws, 237), is an excise tax imposed for the privilege of carrying on the express business in this State, and said act is a valid law. Telegraph Co. v. Mayer, 28 Ohio St., 521, approved and followed.

2. The amount paid to the railroads for transportation of freight as mentioned in the seventh subdivision of the second section of said act, is the amount paid for transportation of freight on business done wholly within this State.

A joint stock company, organized under the laws of the State of New York, and having substantially the character and power of a corporation, may be served with summons in this State in the same manner as corporations are served. Express Company v. The State, 55 Ohio St., 69. Burket, J.

SEC. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years. [As amended October 13, 1885, 82 v. 446.]

SEC. 3. Senators and representatives shall have resided in their respective counties or districts one year next preceding their election, unless they shall have been absent on the public business of the United States or of this state.

SEC. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

A clerk in the United States pension agency, serving by appointment for a period not exceeding three months, and compensated with money of the United States appropriated for that purpose by congress, having no duties

defined by law nor discretion to act independently of the direction of the pension agent, is not "holding an office under the authority of the United States" within the meaning of section 4 of article 2 of the Constitution of the State which renders persons so holding office ineligible to membership in the general assembly. State ex. rel. Allen v. Mason, etc., et. al. 61 Ohio St., 62. By the Court.

SEC. 5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this state; nor shall any person holding public money for disbursement or otherwise, have a seat in the General Assembly until he shall have accounted for and paid such money into the treasury.

SEC. 6. Each house shall be judge of the election returns, and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as shall be prescribed by law.

SEC. 7. The mode of organizing the House of Representatives, at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and with the concurrence of two-thirds expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety, and the undisturbed transaction of its business.

SEC. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and on the passage of every bill, in either house, the vote shall be taken by yeas and nays and entered upon the journal; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

No bill can become a law without receiving the number of votes required by the Constitution; and if it were found by an inspection of the legislative

journals that what purports to be a law upon the statute book, was not passed by the requisite number of votes, it might possibly be the duty of the courts to treat it as a nullity. But it does not follow that an act that was passed by a constitutional majority is invalid, because, in its consideration, the assembly did not strictly observe the mode of procedure prescribed by the Constitution. There are provisions in that instrument that are directory in their character, the observance of which by the assembly is secured by their sense of duty and official oaths, and not by any supervisory power of the courts. Fordyce v. Godman, 20 Ohio St., 1-17; Miller v. State, 3 Ohio St., 475.

"The legislative journals furnish the appropriate evidence on the question whether a bill has been passed by the requisite number of votes. Were it otherwise, a bill might become a law without receiving the number of votes required by the Constitution. A single presiding officer might, by his signature, give the force of law to a bill which the journal of the body over which he presides, and which is kept under the supervision of the whole body, shows not to have been voted for by the constitutional number of members. The plain provisions of the Constitution are not to be thus nullified, and the evidence which it requires to be kept under the supervision of the collective body, must control when a question arises as to the due passage of a bill." Fordyce v. Godman, 20 Ohio St., 1-17—Scott, J.; and see State v. Moffat, 5 Ohio, 358; 3 Ohio St., 475.

In the absence of all showing to the contrary, a law will be presumed to have been passed by the requisite number of votes. Miller v. State, 3 Ohio St., 475; Steamboat Northern Indiana v. Milliken, 7 Ohio St., 388.

SEC. 10. Any member of either house shall have the right to protest against any act or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

SEC. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest in all cases except treason, felony, or breach of the peace; and for any speech or debate, in either house, they shall not be questioned elsewhere.

SEC. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that in which the two houses shall be in session.

SEC. 15. Bills may originate in either house; but may be altered, amended, or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with this rule.[1] No bill shall contain more than one subject, which shall be clearly expressed in its title,[2] and no law shall be revived or amended unless the new act contain the entire act revived, or the section or sections amended,[3] and the section or sections so amended shall be repealed.[4]

[1] This section does not require that every amendment to a bill shall be read three times. Miller v. State, 3 Ohio St., 475.

[2] This provision was incorporated into the Constitution for the purpose of making it a permanent rule of the houses, and to operate only on bills in their progress through the general assembly. It is directory only, and the supervision of its observance must be left to the general assembly. Pim v. Nicholson, 6 Ohio St., 176. The same is equally true of the provision that "every bill shall be fully and distinctly read on three different days." Miller v. State, 3 Ohio St., 475-483.

The act of June 20, 1879, entitled "An act to revise and consolidate the general statutes of Ohio," is not void as being in conflict with the provision. Oshe v. State, 37 Ohio St., 494.

Every reasonable intendment is to be made in favor of the proceedings of the legislature. It is not to be presumed that the assembly, or either house of it, has violated the Constitution. When, therefore, it appears by the journals that a bill was amended by striking out all after the enacting clause and inserting a "new bill," so-called, it cannot be presumed that the matter inserted was upon a different subject from that sricken out; especially when the matter inserted is consistent with the title borne by the bill before such amendment. This is the more obvious since the Constiution provides that "no bill shall contain more than one subject, which shall be clearly expressed in its title." Nor does the fact that the inserted matter is called a "new bill," prove that it was not an amendment. Miller v. State, 3 Ohio St., 475.

This provision is directory merely. But a bill for the regulation of health officers and other police officers of the city, contains but one subject within the meaning of this section. State v. Covington, 29 Ohio St., 102.

[3] "This provision was inserted, mainly, to prevent improvident legislation; and with that view, as well as for the purpose of making all acts, when

amended, intelligible, without an examination of the statute as it stood prior to the amendment, it requires every section, which is intended to supersede a former one, to be fully set out. No amendments are to be made by directing specified words or clauses to be stricken from or inserted in a section of a prior statute which may be referred to; but the new act must contain the section as amended—not the section or sections which it proposes to amend, but the section or sections in full, as it purports to amend them. That is, it requires not a recital of the old section, but a full statement in terms of the new one." Lehman v. McBride, 15 Ohio St., 573-602, 603—Scott, J.

The act of February 21, 1867 (64 v. 18), authorizing building associations to become incorporated, as provided in certain sections of the "act to provide for the creation, and regulation of incorporated companies, passed May 1, 1852," has reference to the sections named which were then in force, and not to the original sections which had been repealed. Forest City L. & B. Ass. v. Gallagher, 25 Ohio St., 208.

The sections of the act of 1852, are referred to as prescribing the course to be pursued by persons desiring to become incorporated for the purpose of availing themselves of the privileges of the act of February 21, 1867; and the last named act is not an amendment of such section within the meaning of this section of the Constitution. Ib.

A statute does not conflict with this section which is not an amendment of a particular statute, but is itself a distinct and independent statute, and is an amendment only as being an amendment of the law generally. Rairden v. Holden, 15 Ohio St., 207, 209.

[4] This clause is directory only to the general assembly, and was not intended to abrogate the long established rule as to repeals by implication. Lehman v. McBride, 15 Ohio St., 573.

The rule that repeals by implication are not favored, is applicable to the inquiry whether any particular enactment ceased to be in force on account of repugnancy to the new Constitution. State v. Dudley, 1 Ohio St., 437, approved; Cass v. Dillon, 2 Ohio St., 607.

SEC. 17. The presiding officer of each house shall sign publicly, in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

A bill entitled "A bill to provide for the publication of volume 6, Geology of Ohio," was introduced into the senate of the last general assembly, and was designated "S. B. No. 327." It was amended, then duly passed in the senate and transmitted to the house; there amended, duly passed, and returned to the senate, where the amendments were agreed to, and the amended bill duly passed. The bill was not copied on the journal of either house, nor signed by the presiding officer of either house, nor there enrolled as a law, nor filed in the regular course of proceedings in the office of the secretary of

State, nor was it published among the laws enacted by the 67th general assembly. *Held:*

1. A printed bill, bearing the title and number identical with the one described, deposited in the state library in accordance with section 59 of the Revised Statutes, cannot be received in evidence to prove the contents of the bill in question.

2. The bill, not being authenticated, as required by section 17, article 2, of the Constitution, which provides that "the presiding officer of each house shall sign, publicly, in the presence of the house over which he presides, while the same is in session and capable of transacting business, all bills and joint resolutions passed by the general assembly," did not become a law. State v. Kiesewetter, 45 Ohio St., 254. Spear, J.

1. Where the journal of each house of the general assembly shows that a law received the concurrence of the number of members required by the Constitution for its adoption, and that it was publicly signed in the presence of each house by the presiding officer, as required by section 17, article 2, of the Constitution, its authenticity cannot be impeached by parol evidence that one or more of the members in either house, recorded as concurring in its adoption had, prior thereto, been seated, upon the determination of a contested election, by less than a constitutional quorum, although the concurrence of such member, or members, was necessary to the number of votes required by the Constitution for the passage of the law.

2. The members so seated are, at least, *de facto* members of the house to which they belong, and the validity of the title by which they occupy their seats cannot be inquired into by the courts for the purpose of affecting the validity of laws enacted by the legislature in which they hold seats.

3. The act of the general assembly passed May 17, 1886, entitled "An act to establish an efficient board of public affairs in cities of the first grade of the first class" (83 Ohio L., 173), is within the legislative power conferred on the general assembly by section 1, article 2, and the requirement of section 6, article 13, of the Constitution; and does not, by its provisions, vesting the appointment of the board in the Governor of the State, impair any of the undelegated powers, which, by section 20, article 1, are declared to "remain with the people." Whether laws so enacted for the government of cities and villages are wise or unwise, is left, by the Constitution, to the wisdom of the legislature, and the courts have no power to hold them invalid, although they may differ with the legislature as to the policy of such laws. State ex rel. Herron v. Smith, 44 Ohio St., 348. Minshall, J.

An act may be shown, by the journals of the general assembly, to have
en passed before the date it bears, and when so shown it will speak from
day of its actual passage. State v. Mayor of Perrysburg, 14 Ohio St.,
and the repealing clause takes effect at the same time as the rest of the
McArthur v. Franklin, 16 Ohio St., 193.
though an act may be expressly repealed, yet if it appear that it was in-
d that it should have temporary effect, the language of the repealing

clause will be restrained accordingly. Debolt v. O. L. Ins. & Trust Co., 1 Ohio St., 563.

An act which is to take effect and be in force from and after a day named, does not take effect until the expiration of the day named. Koltenbrook v. Cracraft, 36 Ohio St., 584, but an act which "shall take effect and be in force from and after its passage," takes effect on the day of its passage, and, in the absence of proof to the contrary, the presumption of law will prevail, that the act took effect from the commencement of the day. Arrowsmith v. Hamering, 39 Ohio St., 573.

SEC. 18. The style of the laws of this state shall be, *"Be it enacted by the General Assembly of the State of Ohio."*

SEC. 19. No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this state which shall be created or the emoluments of which shall have been increased during the term for which he shall have been elected.

SEC. 20. The General Assembly in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers;[1] but no change therein shall affect the salary[2] of any officer during his existing term, unless the office be abolished.

[1] The act of May 1, 1862 (59 v. 104), prescribing the fees of county auditors, "is not in conflict with this section, nor with section twenty-six of this article." Cricket v. State, 13 Ohio St., 9.

"The duty enjoined by this section in regard to fixing the compensation of officers, does not require the general assembly to fix the sum or amount which each officer is to receive, but only requires that it shall prescribe or fix the rule by which such compensation is to be detemined." Ib. 21—White, J.

The act of May 4, 1869 (66 v. 80), authorizing the courts to appoint trustees to carry out the provisions of the act, and to fix their compensation, is not in conflict with this provision. The trustees, for whose appointment it provides, are not public officers within the meaning of this provision. Walker v. Cincinnati, 21 Ohio St., 14.

"This clause cannot be regarded as comprehending more than such officers as may be created to aid in the permanent administration of the government. It cannot include all the agencies which the general assembly may authorize municipal and other corporations to employ for local and temporary purposes." Ib., 51—Scott, C. J.

The case of a clerk of the court holding his office by appointment to fill a vacancy, is one of the cases in which the Constitution has not fixed the term of office, but left that to be done by the legislature. State v. Neibling, 6 Ohio St., 40-43—Bartley, C. J.

This section imposes no restraint on the power of the general assembly to extend the tenure of an officer beyond his term, and until his successor is qualified, in a case where the duration of such tenure is not limited by the Constitution. State v. Howe, 25 Ohio St., 88.

[2] It is manifest from the change of expression in the two clauses of the section, that the word "salary" was not used in a general sense, embracing any compensation fixed for an officer, but in its limited sense, of any manual or periodical payment for services—a payment dependent on the time, and not on the amount of the services rendered. Where the compensation is to be ascertained by a percentage on the amount of money received and disbursed, it is not a salary within the meaning of this section. Thompson v. Phillips, 12 Ohio St., 617, 618.

1. Compensation of a public officer fixed by a provision that "each member of the board who is present during the entire session of any regular meeting, and not otherwise, shall be entitled to receive five dollars for his attendance," is not "salary" within the meaning of section 20, of article 2, of the Constitution, which provides that "the general assembly, in cases not provided for in this Constitution, shall fix the term of office, and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished."

2. An increase in the compensation of such officer during his term is not prohibited by the Constitution.

3. An action at law against the city is a proper form of remedy to determine plaintiff's right to the increased pay. Gobrecht v. Cincinnati, 51 Ohio St., 68. Spear, J.

SEC. 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

A specific mode of contesting elections in this State having been provided by statute, according to this requirement of the Constitution, that mode alone can be resorted to, in exclusion of the common law mode of inquiry by proceedings in quo warranto. The statute which gives this special remedy, and prescribes the mode of its exercise, binds the State, as well as individuals. State v. Marlow, 15 Ohio St., 114.

SEC. 22. No money shall be drawn from the treasury except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

No officer of the State can enter into any contract, except in cases specified in the Constitution, whereby the general assembly will, two years after, be bound to make appropriations, either for a particular object or a fixed amount—the power and the discretion, intact, to make appropriations general, devolving on each biennial general assembly, and for the period two years. State v. Medberry, 7 Ohio St., 522.

"The sole power of making appropriations of the public revenue is vested in the general assembly. It is the setting apart and appropriating

by law a specified amount of the revenue for the payment of the liabilities which may accrue or have accrued. No claim against the State can be paid, no matter how just or how long it may have remained overdue, unless there has been a specific appropriation made by law to meet it. By virtue of this power of appropriation the general assembly exercise their discretion in determining, not only what claims against, or debts of the State shall be paid, but the amount of expenses which may be incurred. If they authorize expenses or debts to be incurred, without an appropriation to pay them, and the expenses are incurred, those expenses create a debt against the State, and it must remain such until payment under an appropriation afterward made. The general assembly usually, however, provide for the current expenses for a period not exceeding two years, out of the incoming revenues, by making appropriations of a sufficient amount of money to pay the expenses during that period, and provide by law for the raising of revenue sufficient to meet the appropriations. The discretion of each general assembly for the period of two years in respect to the amount of expenditures, except in some special cases, relating to salaries, is without limit and without control; but each must provide revenue, and set apart a sufficient amount by a law operative within the same two years, to pay all expenses and claims. Ib., 528, 529—Swan, J.

Neither branch of the general assembly can alone appropriate money from the treasury, but may disburse a fund provided by law for contingent expenses of such branch. State v. Oglevee, 36 Ohio St., 324.

The purchase of a printing press by the trustees of the soldiers' and sailors' orphans' home, where the art of printing is taught, may be paid for from the appropriation "for heating and furnishing new industrial building," made March 21, 1887, (84 Ohio L. 200). State ex rel. v. Kiesewetter, 45 Ohio St., 524. By the Court.

SEC. 23. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

SEC. 24. The governor, judges, and all state officers may be impeached for any misdemeanor in office; but judgment shall not extend further than the removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

SEC. 25. All regular sessions of the General Assembly shall commence on the first Monday of January biennially. The first

session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two. [See Const. 1802, Art. I, § 25.]

SEC. 26. All laws of a general nature, shall have a uniform operation throughout the state;[1] nor shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except as otherwise provided in this constitution.[2]

[1] "Under the former Constitution, laws having a general subject-matter, and therefore, 'of a general nature,' were frequently limited expressly in their operation to one or more counties, to the exclusion of other portions of the State. As a consequence, on the same subject, there might be one law for Hamilton county, another for Franklin, and still a third for Ashtabula. This naturally led to improvident legislation, enacted by the votes of legislators who were indifferent in the premises because their own immediate constituents were not to be affected by it. To arrest, and for the future prevent, this evil, this provision was inserted in the present Constitution." Lehman v. McBride, 15 Ohio St., 573-605—Scott, J.

The act of March 7, 1835 (vol. 33, L. L., 349), to amend the act entitled "An act for the more effectual punishment of certain offenses in the county of Hamilton," is not so in conflict with this section as to be thereby abrogated. This section had, at the adoption of the Constitution, only a prospective, and not a retrospective, effect upon legislation. Allbyer v. State, 10 Ohio St., 588.

The act of May 1, 1862 (50 v. 101), "prescribing the fees of county auditors," is not in conflict with this section. Cricket v. State, 18 Ohio St., 0. This section clearly was not intended to require that an act providing a new rule of compensation of officers subsequently coming into office should be invalid, unless it also applied to the future services of existing officers. Ib., 22.

The act of April 6, 1870 (67 v. 36), "limiting the compensation of certain officers therein named," and the supplemental act of April 12, 1871 (68 v. 58), and which can only operate in Hamilton county, are not laws of a general nature, but of a local nature, and are therefore not in conflict with this section. State v. Judges, 21 Ohio St., 1.

The act of the general assembly that operates only upon all cities in the State of the first class having, at the last federal census, less than one hundred thousand inhabitants, does not contravene this section. Welker v. Potter, 18 Ohio St., 85.

The act of the general assembly of April 9, 1856, "to restore to the court of common pleas the jurisdiction of minor offenses in certain counties in the State" (53 v. 107), being general in its nature, and yet limited in express terms to a part of the counties of the State, is in conflict with this provision. Kelly v. State, 9 Ohio St., 239. The courts of common pleas in Ohio being an organization of a general nature, and having by law juris-

diction over every citizen, the laws which relate to and regulate their jurisdiction and organization are laws of a general nature, and are imperatively required to have a uniform operation throughout the State. Ib., 272. (See Art. IV., § 8, Note).

The act of May 7, 1877 (74 v. 218), regulating the selection of jurors for the county of Cuyahoga, is not a law of general nature within the meaning of this section. McGill v. State, 34 Ohio St., 228.

This section does not inhibit the passage of appropriate local laws. State v. Covington, 29 Ohio St., 102. And see State v. Commissioners of Franklin Co., 35 Ohio St., 458.

Under section 26 of article 2 of the Constitution, the constitutionality of an act is determined by the nature of its subject-matter, its operation and effect, and not alone by its form.

The act of May 16, 1894, entitled "An act to authorize the county commissioners to provide for the construction, improvement and repair of public highways," 91 O. L., 759, is unconstitutional in this, that its subject-matter is general, while its operation and effect are local. The second syllabus of State ex rel. Hibbs v. Commissioners of Franklin County, 35 Ohio St., 458, is overruled.

The act being unconstitutional, the contemplated road improvement can not be made lawful by a vote in favôr thereof by the people to be affected thereby. Hixson v. Burson et al. Com. of Athens Co. Hixson v. Burson, 54 Ohio St., 470.

The authority conferred upon commissioners of counties and trustees of townships to grant general and special permission for the animals named to run at large as conferred by section 2 of the act of April 13, 1865 (62 v. 185), was within the scope of legislative power, and does not conflict with this section. Fox v. Fox, 24 Ohio St., 335.

The clause of this section that "all laws of a general nature shall have a uniform operation throughout the State," is not directory, but mandatory, and a statute in violation of it is void. Ex parte, Folk, 42 Ohio St., 338.

[2] In C., W. & Z. R. R. Co. v. Com. of Clinton Co., 1 Ohio St. 77-87, 88, 89—Ranney, J., says that no one denies the proposition that the general assembly cannot surrender any portion of the legislative authority with which it is invested, or authorize its exercise by any other person or body, that this inability arises no less from the general principle applicable to every delegated power requiring knowledge, discretion, and rectitude in its exercise, than from the positive provisions of the Constitution itself; that in determining whether a legislative act contravenes this clause or not, the true distinction is between the delegation of the power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law; that the first cannot be done; that to the latter no valid objection can be made. In this case it was accordingly held that an act authorizing the commissioners of a county to subscribe to the capital stock of a railroad company does not delegate legislative power or contravene the Constitution of 1802 (under which it was passed), nor the present Constitution, in providing that the subscription shall not be made until the assent

of a majority of the electors of the county is first obtained at an election held for that purpose.

The principle in such case is, that the act takes effect as soon as passed, and that, therefore, this provision of the Constitution does not apply, though the act provides for a vote of the people as a condition precedent to the subscription. Cass v. Dillon, 2 Ohio St., 607; Thompson v. Kelley, Ib., 647. The same rule is applicable to township subscriptions to the capital stock of railroad companies. S. & I. R. R. Co. v. North Tp., 1 Ohio St., 105. Or of plank road companies. Loomis v. Spencer, Ib., 153. And to an act providing for a vote upon the question of the removal of a county-seat, as required by Art. II, Sec. 30, in which act are contained certain sections authorizing the election, prescribing the manner of conducting it and of making the returns, recording the results, etc. State v. Com. of Perry Co., 5 Ohio St., 497; Noble v. Com. of Noble Co., Ib., 524. And to a statute which requires a preliminary vote of the electors of a township, before an assessment for the purpose of paying for lands purchased for a township cemetery is made by the trustees. Paris Tp. v. Cherry, 8 Ohio St., 564.

The second section of the act of April 9, 1874, which provides that the first section thereof "shall take effect and be in force when and as soon as the same shall be adopted by a majority of all the electors. . . . "and when suitable county buildings shall have been erected," by the citizens of Youngstown, is not to be construed as making the act "to take effect upon the approval of any other authority than the general assembly," contrary to this section; the proper construction of said section of the act is, that the first section thereof shall become a law when adopted by the electors, and be enforced or carried into execution when the buildings shall have been erected. Newton v. Mahoning Co., 26 Ohio St., 618.

1. When an act of the general assembly, required to have a uniform operation throughout the state, expressly excepts from its operation one or more cities or counties, such act by reason of such exception is unconstitutional and void.

2. Such an exception cannot be held invalid and thereby extend the act over the excepted territory, because in such a case the general assembly never enacted the statute in such territory, and the court has no power to enact it therein.

3. Section 2926b, 92 O. L., 166, Revised Statutes, excepts from its operation the city of Mansfield, and cities of the fourth grade of the first class, and is therefore unconstitutional.

4. The said section being inoperative, the repealing section contained in the same act is also inoperative, and this leaves said section 2926b, as amended April 28, 1890, 87 O. L., 259, in force.

5. While the election laws for cities may be valid under the doctrine of ification, that doctrine does not extend to counties, and election laws counties are required to have uniform operation throughout the State.

6. In view of this holding, it is the duty of the state supervisor of ions to appoint deputy state supervisors under the statute, for the terri- in each county lying outside of any city in such county.

7. The three years statute of limitations in section 6789, is for the protection of an officer who is in office under an existing commission, and he can not tack a former term of office to his present term, so as thereby to bring himself within the limitations of that section.

8. The three years limitation under that section is only for the protection of officers, and not for the protection of boards as distinguished from the officers composing them. State ex. rel. Wilmot et. al. v. Buckley et. al., 60 Ohio St., 274. Burket, J.

1. The act entitled "An act to supplement section 4637 of the Revised Statutes of Ohio," 91 O. L., 64, is unconstitutional, for the reason that its subject-matter is of general nature, and its operation is local.

2. Parties who invoked proceedings under that act, and actively participated in such proceedings, from the signing of the petition to the making of the assessment for the improvement of a road, under the act, are estopped from enjoining the collection of an assessment for the payment of the costs incurred in the proceedings so invoked by them; but no such estoppel arises as to enjoining further proceedings under the act. Mott et. al. v. Hubbard, Treas., et. al., 59 Ohio St., 199. By the court.

1. The right to labor and enjoy the rewards thereof is a natural right which may not be unreasonably interfered with by legislation. Where, however, the pursuit concerns, in a direct manner, the public health and welfare, and is of such a character as to require a special course of study or training, or experience, to qualify one to pursue such occupation with safety to the public interests, it is within the competency of the general assembly to enact reasonable regulations to protect the public against evils which may result from incapacity and ignorance.

2. The business of plumbing is one which is so nearly related to the public health that it may, with propriety, be regulated by law, and reasonable regulations, tending to protect the public against the dangers of careless and inefficient work, and appropriate to that end, do not infringe any constitutional right of the citizen pursuing such calling.

3. But it is essential to the validity of an act undertaking to regulate the business, that it shall, in its requirements, operate equally.

4. That part of the act of April 21, 1893, entitled "An act to promote the public health and regulate the sanitary construction of house-drainage and plumbing," which requires any plumber, whether master, or employing plumber, or journey-man, before engaging in the business, to undergo an examination as to fitness, and obtain a license, but permits all members of a firm to pursue the business where one only has procured such license, and all members of a corporation to pursue it where the manager only has procured such license, does not operate equally upon all of a class pursuing the calling under like circumstances, and is invalid. The State v. Gardner, 58 Ohio St., 599. Spear, C. J.

1. A scheme for the erection of such county buildings as may, by designated county officers and persons to be appointed to act with them, be deemed necessary is a subject of general legislation; and an act providing therefor must, in view of the requirements of section 26 of article II of the Constitution, have a uniform operation throughout the State..

2. The act "to authorize the commissioners of Cuyahoga county to acquire a site and erect new county buildings thereon (93 O. L., 587), is void. State ex. rel. Attorney General v. Brown et. al., 60 Ohio St., 462. Shauck, J.

1. Where, in a code or system of laws relating to a particular subject, a general policy is plainly declared, special provision should, when possible, be given a construction which will bring them in harmony with that policy.

2. In municipal corporations to which section 2271, of the Revised Statutes is applicable, assessments for the construction of sewers are subject to the limitation on the amount of the assessment prescribed by that section, as well as to the limitation imposed by section 2384 of the Revised Statutes.

3. The former section is not in conflict with section 26 of article 2, of the constitution of this state. City of Cincinnati v. Connor, 55 Ohio St., 82. Williams, C. J.

Section 5 of an act passed April 13, 1892 (89 Ohio Laws 283), "To provide for the appointment of a board of equalization and assessment in cities of the second grade of the first class," confers on the annual board of equalization by the act, powers that substantially differ from those conferred upon all other annual boards of equalization in this State by the general statute upon that subject, and for that reason conflicts with section 26 of article 2 of the Constitution of this State, and is void. Gaylord et. al. v. Hubbard, Treasurer, 56 Ohio St., 25. Bradbury, J.

1. Highway bridges, as well as the highways of which they are a part, are general subjects of legislation within the meaning of the Constitution.

2. The act of April 23, 1891 (88 Ohio Laws, 825), entitled "An act to authorize the commissioners of Mahoning county to repair, extend, reconstruct and rebuild one or more bridges across the Mahoning river in the city of Youngstown, in said county," and the act of April 24, 1896, entitled "An act to authorize the commissioners of Mahoning county to build two overhead bridges across the Mahoning river," are repugnant to section 26 of article 2 of the Constitution, which ordains that "all laws of a general nature shall have a uniform operation throughout the State." State ex. rel. v. Davis et. al., 55 Ohio St., 15. Shauck, J.

Sections 32 and 61, of the act of February 28, 1888, entitled "An act to regulate the construction of buildings within any city of the first class and first grade," etc., (85 O. L., 34), which require among other things, that all buildings (save private residences), of three or more stories in height, shall be provided with suitable fire escapes, and require the owner or occupant, upon thirty days' notice by the fire inspector, to put up such escapes, and providing punishment by fine for non-compliance with such order, and empower a court of equity, on application of the inspector, by suit in the name of the city, to enforce the provisions of the act, and enjoin the use or occupation of any building used in violation of the act, are not invalid as depriving the owner of the use of property without the intervention of a jury, nor as depriving him of due process of law.

But said sections are in conflict with section 26, article 2, of the Constitution, which prescribes that "all laws of a general nature shall have uniform operation throughout the State," and are therefore invalid, inasmuch as

the act is one of a general nature and has operation only in the city of Cincinnati. City of Cincinnati v. Steinkamp, Trustee, 54 Ohio St., 284. Spear, J.

1. The act of April 21, 1896 (92 O. L., 567), in so far as it prescribes and limits the compensation of certain county officers and their assistants therein named, the operation of which is expressly limited to Miami county, relates to a subject local in its nature, and therefore does not conflict with section 26 of article 2 of the Constitution of Ohio.

2. The system of compensation provided by the act is complete without reference to the penalties for official misconduct prescribed by section 13, or to the effect to be given to an official bond by section 14 of the act. Wherefore this system of compensation may be separated from, and executed independently of, those two sections, and it is not affected by the question of the constitutionality of either or both of them. Pearson, Auditor et. al., v. Stephens, 56 Ohio St., 126. Bradbury, J.

The act entitled "An act to require the county commissioners in any county having a population at the census of 1880, of 43,788, and containing a city of the second class, third grade, to provide a depositary for the county funds, and for other purposes," (86 Ohio Laws, 70), is a law of a general nature, applicable to Summit county, (there being no other county having the specified population and containing a city of the designated class and grade), and is in conflict with section 26 of article 2 of the Constitution of this State, which requires that "all laws of a general nature, shall have a uniform operation throughout the State." State ex rel. v. Ellet et. al., 47 Ohio St., 90. Williams, J.

An act passed April 12, 1876, (73 Ohio Laws, 321), to prevent gambling and the sale of intoxicating liquors "on or within a distance of two miles of Chippewa Lake, in the county of Medina," is in contravention of section 26, article 2, of the Constitution of this State, which ordains that "all laws of a general nature shall have a uniform operation throughout the State," and is consequently void. Richard v. Winch, 45 Ohio St., 663. By the Court.

1. A law is not necessarily of a general nature by reason simply of its being upon a general subject.

2. Special legislation upon a subject-matter in its nature local, is not prohibited by section 26 of article 2, of the Constitution, which provides that "all laws of a general nature shall have a uniform operation throughout the State," notwithstanding the subject-matter is the subject of a general law.

3. The subject of dividing territory into school districts is, in its nature, local.

Hence, the formation of a special school district from territory within the limits of a township, by special act, is not in conflict with section 26 of article 2 of the Constitution. The State v. Powers, 38 Ohio St., 54, overruled. State ex rel. Attorney-General v. Shearer, et al., 46 Ohio St., 275. Spear, J.

1. Funds raised by the taxation of franchises, rights and privileges, may be applied to the purposes of general revenue, or any other purpose authorized by statute.

2. A law of a general nature, which is in full force in every part of the State, complies with section 26 of article 2 of the Constitution, requiring laws of a general nature to have uniform operation throughout the State.

3. The act of April 20, 1894, entitled "An act to impose a direct inheritance tax," 91 O. L., 166, by its exemption from taxation of the right to receive or succeed to estates not exceeding twenty thousand dollars in value, and taxing the whole right of receiving or succeeding to estates which exceed that sum in value, and in taxing at a higher rate per centum the right to receive or succeed to estates of larger value than to estates of smaller value, is in conflict with section 2 of the bill of rights of the Constitution of this State, which declares that "All political power is inherent in the people. Government is instituted for their equal protection and benefits;" and the whole act is therefore unconstitutional and void.

4. The first section of the fourteenth amendment to the Constitution of the United States, which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws," is not, as to the question in this case, broader than the second section of our bill of rights. State ex rel. v. Ferris, 53 Ohio St., 314. Burket, J.

1. Laws providing for the public support of the poor are of a general nature.

2. An act by which the general assembly attempts to exempt counties from the operation of general laws on account of trivial difference in population is not of uniform operation throughout the State.

3. The act of May 14, 1894, to amend section 957 of the Revised Statutes, Ohio Laws, vol. 9, p. 237), is repugnant to section 26, article 2, of the Constitution. State ex rel. v. Bargus et. al., 53 Ohio St., 95.

The act of the general assembly, entitled "An act requiring persons, associations and corporations, owning or operating street cars, to provide for the well being of employes," 90 Ohio Laws, 220, is not in conflict with section 26, article 2 of the Constitution of this State, which provides that "all laws of a general nature shall have a uniform operation throughout the State." Neither is it in conflict with section one of the fourteenth amendment to the Constitution of the United States. State v. Nelson, 52 Ohio St., 88. Burket, J.

1. The act entitled "An act to amend supplementary section 6946a of the Revised Statutes of Ohio, passed April 12, 1888, and amended April 12, 1892, and to further supplement original section 6946, of the Revised Statutes," passed April 6, 1893 (90 Ohio Laws, 143), is not in conflict with the first branch of section 26, article II of the Constitution of Ohio, which ordains that "All laws of a general nature, shall have a uniform operation throughout the State," and is a valid law.

2. Where one was indicted under the above entitled act, for selling intoxicating liquors at a place within one and a half miles outside of the boundary line of the lands occupied by a National Home for disabled volunteer soldiers, it was not error in the trial court to admit the parol evidence of an officer and of one of the managers of the institution, to prove the existence of such National Home, its occupation by disabled volunteer soldiers of the

United States, and the boundary line of its lands. Driggs v. State, 52 Ohio St., 37. Dickman, C. J.

The act passed by the general assembly, April 27, 1893, entitled "An act to re-district certain cities of the fourth grade of the second class," is in conflict with the first branch of section 26, article II of the Constitution of Ohio, which requries that all laws of a general nature shall have a uniform operation throughout the State. City of Kenton et al. v. State ex rel., 52 Ohio St., 59. By the Court.

1. A defendant convicted in Cuyahoga county under section 8092-18 of the Revised Statutes, of keeping open a saloon on Sunday contrary to law, should be sentenced to the Cleveland workhouse, and not to the county jail.

2. The provision of section 2099, directing such sentence to the workhouse, is not in conflict with section 26, of article II, of the Constitution. Kimbleawecz v. State, 51 Ohio St., 228. By the Court.

An act of the general assembly, that merely detaches from a municipal part of its territory and attaches it to an adjoining township, does not confer corporate power, nor contravene any other provision of the Constitution of 1851. Metcalf, Aud. v. State ex rel., 49 Ohio St., 586. By the Court.

1. An act providing that, in any village in any county containing a city of the first grade of the first class, in which no sidewalks have already been constructed under the provisions of sections 2334a, 2334b and 2334c, of the Revised Statutes, the council of such village may construct sidewalks wherever such sidewalks have not been already laid, and assess the costs and expense of such sidewalks upon the abutting lots and lands in the corporation, according to the front foot of the property bounding and abutting upon the improvement, does not furnish a proper classification for the purpose of legislation of a general nature designed to have a uniform operation throughout the State.

2. The act entitled "An act to authorize villages to levy special assessments, for the construction and improvement of sidewalks, and to be supplementary to section 2328 of the Revised Statutes, and known as section 2328a," passed April 16, 1891 (88 Ohio L., 311), is in conflict with section 26, article 2, of the Constitution, which requires that all laws, of a general nature, shall have a uniform operation throughout the State. Costello v. Wyoming, 49 Ohio St., 203. Dickman, J.

A statute applicable only to a particular city in the grade and class to which it belongs, and which cannot by reason of its provisions be adapted to any other city in the same grade and class, is special in its nature and not general, and where corporate power is conferred thereby, is invalid. State ex rel. v. Smith et al., 48 Ohio St., 211. By the Court

1. The act entitled "An act supplementary to section 621 of the Revised Statutes of Ohio," passed May 15, 1886, (83 Ohio L., 168), is local in its character, and is not in violation of section 26, of article 2, of the Constitution, which requires that all laws of a general nature shall have a uniform operation throughout the State.

2. Under the above mentioned act, a justice of the peace, in a city of the second grade of the first class, may, during the term of his office, maintain a civil action to collect the fees as provided in sections 615 and 621 of the

Revised Statutes, such fees when collected by him being payable into the city treasury. Hart v. Murray, 48 Ohio St., 605. By the Court.

1. The act of April 3, 1885, (82 Ohio Laws, 101), providing for a police force in "cities of the first grade of the first class," applies to all cities of that grade and class in the State, and is a law of general nature, having a uniform operation throughout the State, and is constitutional.

2. The mayor of the city of Cincinnati has no power to remove from office the superintendent of police of that city, though the board of police commissioners, that appointed such superintendent under the provisions of the act of April 3, 1885, (82 Ohio Laws, 101), has been removed from office. State ex rel. Attorney-General v. Hudson, 44 Ohio St., 137. Follett, J.

1. It is competent to the legislature to provide for the creation of a special taxing district; but, in such case, the tax must be levied by a uniform rule on all property in the district.

2. The act of the general assembly to provide higher education in counties containing cities of the first grade of the first class, passed May 21, 1894 (91 Ohio Laws, 842), is unconstitutional and void, by reason of the want of uniformity in the mode provided for levying the requisite tax, contained in the second section of the act. Root v. Board of Education, 52 Ohio St., 589. Minshall, C. J.

SEC. 27. The election and appointment of all officers[1] and the filling of all vacancies not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law;[2] but no appointing power[3] shall be exercised by the General Assembly, except as prescribed in this constitution, and in the election of United States senators; and in these cases the vote shall be taken *"viva voce."*

[1] Emolument is a usual, but not a necessary element to constitute an office. Authority and power relating to the public interests, conferred by statute, and which may be vested in a board or individuals by election, or the appointing power of the State, create an office. State v. Kennon, 7 Ohio St., 547.

The election and the appointment of an officer as authorized by this section are different and distinct modes of filling an office. State v. Constantine, 42 Ohio St., 437.

The general assembly, under this section, may direct, by law, the manner in which any officer, not otherwise provided for by the state or national Constitution, shall be elected or appointed; whether such officer shall be elected or appointed is left to the discretion of the general assembly. State v. Covington, 29 Ohio St., 102.

[2] The general assembly may by law direct the manner in which all offices existing or created by law or vacancies therein shall be filled by appointment, except in cases provided by the Constitution. Directing by law the manner in which an appointment shall be made, and making an appointment, are the exercise of two different and distinct powers—the one pre-

scribing how the act be done being legislative; and the other, doing the act, being administrative. Ib., 546.

[2] The phrase "appointing power", as here used, is one of no ambiguous signification. When employed in reference to matters pertaining to government, or to the distribution of the powers of government, it means the power of appointment to office—the power to select and indicate by name individuals to hold office, and to discharge the duties and exercise the powers of officers. There is a public duty, charge, and trust conferred by public authority, for public purposes, of a very weighty and important matter. Their duties, their charge, and trust, are not transient, occasional, or incidental, but durable, permanent, and continuous. Ib., 556—Brinkerhoff, J.

The statutes of April 12, 1858 (55 v. 122, 136), which provide for the creation of a board, authorizing it to appoint commissioners of the state house, and the directors of the penitentiary of the State, and to fill vacancies which might occur in the office of directors of state house commissioners, and authorizing such board or a majority to remove any director of the penitentiary for cause specified, or which might by the board be deemed sufficient, created offices, and conceding that the general assembly could provide for the creation of such board and offices, yet the general assembly could not exercise the power of appointing the officers of such board without exercising "appointing power," which is forbidden by the Constitution. The exercise of the power of appointment and removal of state officers, and the filling of vacancies which may occur in state offices, is a high public function and trust, and not a private, or casual, or incidental agency; and the officers of a board so created by statute to exercise these public functions, are vested with official state power, and hold and exercise a public franchise and office. Ib., 547.

The conferring of authority on the judges of the superior court of Cincinnati to appoint trustees to carry out the purpose of the act of May 4, 1869 (66 v. 80), the construction of a railroad by that city, is not the exercise of appointing power by the general assembly, which this section forbids. It is not the creating of a new office, but the annexing of a new duty to an existing office. Walker v. Cincinnati. 21 Ohio St., 15. (See Art. VII, § 2, Note).

The act of April 19, 1898, "To amend section 1267 of the Revised Statutes" (93 O. L., 125), postponing the beginning of the official terms of prosecuting attorneys from the first Monday in January to the first Monday in September, and the provision of the first section of the act of April 26, 1898, (93 O. L., 261), to effect a like postponement as to the office of infirmary director, are void, being in violation of the tenth article of the Constitution, which requires that county officers shall be elected, and not within the authority to provide for the filling of vacancies conferred upon the general assembly by the twenty-seventh section of the second article. (State ex rel. v. Heffner, 59 Ohio St., 368, followed and approved.) State ex. rel. Attorney General v. Beal, 60 Ohio St., 208. By the Court.

1. The provisions of the tenth article of the Constitution, requiring the general assembly to provide by law for the election of county officers, and that such officers shall be elected on the first Tuesday after the first Monday in

November, disable the general assembly to provide by law for an interval between the official terms of a sheriff and one elected to succeed him.

2. The power conferred upon the general assembly by the 27th section of the second article of the Constitution to provide for the filling of vacancies in office, refers to such vacancies as may occur fortuitously. It does not authorize the creation of an interval between the official terms of persons elected to the office of sheriff.

3. The act of April 26, 1898, "to amend sections 1202 and 1203 of the Revised Statutes (93 O. L., 351) is void, including its repealing section, and said original sections continue in force notwithstanding said act.

4. All persons elected at the November election, 1898, to the office of sheriff in the several counties of the state, were entitled upon qualification to entry upon the discharge of their official duties on the first Monday of January, 1899, and those who have not so qualified and entered are entitled to do so now. State ex. rel. Kelly v. Thrall, 59 Ohio St., 368. Shauck, J.

SEC. 28. The General Assembly shall have no power to pass retroactive laws,[1] or laws impairing the obligation of contracts;[2] but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable,[3] the manifest intention[4] of parties and officers[5] by curing omissions, defects and errors in instruments and proceedings arising out of their want of conformity with the laws of this state.[6]

[1]The words 'retrospective' and 'retroactive', as applied to laws, seem to be synonymous. Justice Story thus defines a retrospective law: 'Upon principle, every statute which takes away or impairs vested rights, acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past, must be deemed retrospective.'" Rairden v. Holden, 15 Ohio St., 207-210—Brinkerhoff, C. J.

A statute purely remedial in its operation on pre-existing rights, obligations, duties and interests, is not within the mischiefs against which this clause of the Constitution was intended to guard, and is not, therefore, within a just construction of its terms. Green Tp. v. Campbell, 16 Ohio St., 11; Rairden v. Holden, 15 Ohio St., 207; Goshorn v. Purcell, 11 Ohio St., 641; Butler v. Toledo, 5 Ohio St., 225; Acheson v. Miller, 2 Ohio St., 203; Trustees of C. F. R. E. A. v. McCaughy, Ib., 152; Kearney v. Buttles, 1 Ohio St., 362; Bartholomew v. Bentley, Ib., 37; Lewis v. McElvain, 16 Ohio, 347; Johnson v. Bentley, Ib., 97; Towsey v. Avery, 11 Ohio, 90; Hays v. Armstrong, 7 Ohio, 1 pt., 248.

Statutes affecting the competency of witnesses are remedial only, and their application to cases pending at the time the act, take effect, is not inhibited by this section. Westerman v. O'Neal, 25 Ohio St., 500; John v. Bridgman, 27 Ohio St., 22.

Statutes affecting substantial interests, and rights of property, have a prospective operation only, unless the contrary intention is clearly expressed. Kelly v. Kelso, 5 Ohio St., 198.

The acts of March 28, 1864 (61 v. 74), April 6, 1866 (63 v. 188), and April 16, 1867 (64 v. 231), providing for the payment of bounties to volunteers, have been declared not repugnant to this provision. State v. Richland Tp., 20 Ohio St., 362; State v. Wilkesville Tp., Ib., 288; State v. Harris, 17 Ohio St., 608; Cass Tp. v. Dillon, 16 Ohio St., 39.

Nor is the act of March 24, 1864 (61 v. 57), "supplementary to the act entitled 'An act to provide for the locating, establishing, and constructing ditches, drains and water-courses.'" Miller v. Graham, 17 Ohio St., 1. Nor the act of April 7, 1854 (52 v. 24), concerning suits on the bond of executors and administrators. Rairden v. Holden, 15 Ohio St., 207.

The power vested in the general assembly under article 13, section 6, of the Constitution, to restrict the powers of taxation and assessment by municipal corporations, is subject to the limitations imposed by this provision, and the provision that the general assembly shall pass "no laws impairing the obligation of contracts." Goodale v. Fennel, 27 Ohio St., 426.

Under the act of April 16, 1852 (50 v. 168), where the parties, intending to execute a sale of school land made a mutual mistake, whereby the purchaser obtained a deed for the land on the payment of a less sum than was due, an act authorizing the county auditor to bring suit in his own name upon such cause of action is not a retroactive law within the meaning of this section. Seeley v. Thomas, 31 Ohio St., 301.

Section 17, as amended March 7, 1873 (70 v. 53), of the act establishing boards of county commissioners and prescribing their duties (51 v. 422), in authorizing the commissioners of a county to maintain the action therein provided for, to effect the removal of obstructions from a public highway, existing at the time of its passage, is not in conflict with this section. L. M. R. Co. v. Greene Co., 31 Ohio St., 338.

The legislature cannot create a liability for acts as to which there was no liability when they were committed, but where a remedy exists, the legislature may change it, as well to acts theretofore as to those thereafter done. Lawrence R. Co. v. Comm'r's Mahoning Co., 35 Ohio St., 1.

The power of the legislature to pass curative statutes, retrospective in their nature, which do not impair contracts, nor disturb vested rights, is not inhibited in this section. Burgett v. Norris, 25 Ohio St., 308.

[1] The fifth section of the act of March 2, 1853 (51 v. 529), to "provide for the removal of the county seat of Perry county from the town of New Lexington to the town of Somerset," imposes upon the county of Perry a forfeiture of subsisting rights acquired under a legal contract, in the event of a majority vote against the removal of the seat of justice, and is, therefore, unconstitutional. State v. Com. of Perry Co., 5 Ohio St., 497.

By the sixth section of the act of April 29, 1854 (52 v. 177), to "provide for the permanent location of the seat of Justice of Noble County, by the legal voters thereof, and for the erection of public buildings therein," provides only for the natural and necessary exigencies arising from fixing the county seat either at Olive or Sarahsville; and which exigencies must have been in the contemplation of the voters, whether provided for in the act or not.

This act is not in conflict with this section of the Constitution. Noble v. Com. of Noble Co., 5 Ohio St., 524.

The act of May 8, 1852 (50 v. 263), in relation to plankroad and turnpike companies, in so far as it undertakes to impose upon stockholders, without their assent, individual liabilities not imposed by their charters, or by the laws under which they have been organized, is a law impairing the validity of the stockholder's contract with the company, and, therefore, unconstitutional. Ireland v. Palestine T. P. Co., 19 Ohio St., 369.

The application of the provisions of so much of the act of April 18, 1870, amending section 557 of the code of civil procedure, as authorize the court to order a recision of the contract, or to render judgment for plaintiff only upon his giving a bond of indemnity, to causes of action which accrued before the passage of that act, is inhibited by this provision. Great West. Stock Co. v. Sass, 24 Ohio St., 542. But the other provisions of that amended section 557 are remedial only, and do not contravene this section. Templeton v. Kraner, 24 Ohio St., 554.

See also, as to the obligation of contracts, Phillips v. Dugan, 21 Ohio St., 466; Smith v. McKinney, 22 Ohio St., 200. As to the powers of the general assembly to alter, revise, and amend the charters of incorporated companies, see Const. 1802, Art. VIII, § 16, Notes.

See Art. I, § 19, Note (1).

[3] This provision is permissive and not mandatory, and it still remains a question for the courts to determine under what circumstances, on what principle of equity, they will give effect to an instrument or conveyance which is invalid by law. Hout v. Hout, 20 Ohio St., 119.

[4] "The intention must be manifest; but how manifested is not expressed. The courts under a direction to find the intention with a view to the correction of an omission or defect, in analogy to like cases, would not act unless the intention was manifest; and in view of this principle of law, it is probable the expression was used. It may happen that a mere inspection of the imperfect instrument will show what is the omission, defect or error, and make manifest the intention of the parties. But giving the strictest meaning to the expression 'manifest intention,' as applied to a written instrument, we think the courts are not confined to a mere inspection of the instrument, as to which the omission, defect or error is alleged to exist, but are at least entitled to be placed in the same position as if called on to construe and give effect to a perfect instrument—the object being to ascertain it there be an omission, defect or error in the instrument, which has prevented the manifest intention of the parties from being carried into effect, the court may look to the subject-matter, the connection of the parties with it, and the surrounding circumstances at the time of the execution of the instrument." Goshorn v. Purcell, 11 Ohio St., 641-647, 648—Gholson, J.

[5] The language of this proviso extends not only to omissions of officers in proceedings connected with the execution of deeds, but to omissions, defects and errors in deeds—to the omissions, not only of officers but of parties. We should, therefore, look rather to the principle of justice and right, which the rule was intended to enforce by an application to past transactions, than to particular instances in which a like application had been made, though historically connected with the adoption of the rule." Ib., 650.

"It is obvious that the instrument or proceeding must be one which, had there been no omission, defect or error, would have carried into effect the intention of the parties or officers. If the instrument or proceedings be such that, in the absence of any omission, defect or error, it would have been inoperative, then it can not be regarded as within the meaning of the proviso. This is shown from the requisition that the omission, defect or error must arise from the want of conformity of the instrument or proceeding with the laws of the State. An instrument or proceeding which, having no omission, defect or error, would still not conform with the laws of the State, and, therefore, not carry into effect the intention, can not be one of those intended. The proviso proceeds on the assumption that the instrument or proceeding, but for the omission, defect or error, would have conformed to the laws, and therefore have carried into effect the intention of the parties. It therefore does not extend to any instrument or proceeding not authorized by the laws of the State, as a valid and effectual expression of the intention of the parties. It does not authorize the general assembly to give power or capacity to parties, not possessed when any instrument or proceeding was made or had. An attempt to do this would come within the prohibition against retroactive laws." Ib., 646, 647.

"The principle, in view of which the language of the proviso should be construed, would extend that language to cases where parties, competent to carry their intention into effect, by an instrument or proceeding made or had in conformity with the laws of the State, attempt to do so, but fail on account of an omission, defect or error; and, the intention being manifest, justice and equity require that it should not be defeated by such omission, defect or error. The parties must be competent, their intention must be manifest, it must be evinced by some act, by some instrument or proceeding, though imperfect from want of conformity with the law, and the relief must be upon just and equitable terms." Ib., 650.

In 1828, L., the wife of G., having a fee simple estate in land joined with her husband in a deed intending to convey her estate to F. By mistake her name was omitted in the granting clause of the deed. In 1857 the general assembly passed an act authorizing the court to correct such a mistake in the deed of a married woman, though occurring before the passage of the act: Held, that the proviso in this section authorized such an enactment. Goshorn v. Purcell, 11 Ohio St., 641; s. c. 2 Disney's Rep., 90; Miller v. Hine, 13 Ohio St., 565; Smith v. Turpin, 20 Ohio St., 478.

1. A contract made by a municipality with attorneys for legal services is void, unless the auditor or clerk first files and records a certificate, as required by section 2702, Revised Statutes.

2. The act of May 21, 1892, 89 O. L., 168, being unconstitutional, the "Board of City Improvement Fund," created by that act, never had power to make a contract binding the city for the employment of counsel to defend actions growing out of said act. City of Findlay v. Pendleton and Whitely, partners, etc., 62 Ohio St., 80. By the Court.

1. The act of the general assembly providing for the abandonment of the Hocking Canal and for leasing the same to the Columbus, Hocking Valley & Athens R. R. Co., passed May 18, 1894, (91 Laws, 327), does not

confer corporate powers, nor impair the obligation of contracts, nor in any other manner conflict with the Constitution of the State, and is a valid law.

2. A party cannot, for his own benefit, insist upon the performance of a contract between others, and to which he is not a party or privy; not claim relief against either of the parties to such contract, for investments or improvements he may have made on the assumption that the contract would be observed.

3. Owners of lands abutting on a canal, incidentaliy benefited by the water it affords, or its facilities, for drainage, have no property interest in these incidental benefits, and cannot, on such ground, enjoin the abandonment of the canal, or claim compensation therefor.

4. Contracts made with the Board of Public Works or other agents of the State, for the use of the water of the canal, terminate with the abandonment of the use of the canal by the State, and no action will lie against the State for damages resulting from such abandonment.

5. Lands acquired for its use by a canal company, a private corporation, organized under an act of the general assembly before the adoption of the present Constitution, as the Lancaster Lateral Coal Company, 24 Laws, 71, authorizing it to acquire lands for its use by donation, grant or appropriation, without expressing the interest or estate to be acquired thereby, revert to the owner from whom they were acquired, on the abandonment of the canal, or his successor in title—the general rule being, that where lands are acquired for a public use, an easement only is taken therein, unless the taking of a greater estate, as a fee simple, is expressly authorized by law. And the rule is the same where it afterwards disposes of its canal to the State, which, under the act of 1825, takes a fee simply in lands condemned by it to the uses of its canal system.

6. Where, however, the land is only abandoned by the state for canal purposes, and is at the same time leased or conveyed to a railroad company for the construction and operation of a railroad thereon, the owner is only entitled to compensation for such additional burthen thereby imposed on the land, and such damages as may result from the new use. Hatch v. Railroad Co. 18 Ohio St., 92. Vought v. Railroad Co., 58 Ohio St., 123. Minshall, J.

1. The inalienable right of enjoying liberty and acquiring property, guaranteed by the first section of the Bill of Rights of the Constitution, embraces the right to be free in the enjoyment of our faculties, subject only to such restraints as are necessary for the common welfare.

2. Liberty to acquire property by contract, can be restrained by the general assembly only so far as such restraint is for the common welfare and equal protection and benefit of the people, and such restraining statute must be of such a character that a court may see that it is for such general welfare, protection and benefit. The judgment of the general assembly in such cases is not conclusive.

3. While a valid statute regulating contracts is, by its own force, read into, and made a part of such contracts, it is otherwise as to invalid statutes.

4. The act of April 13, 1894, 91 O. L., 135, in so far as it gives a lien on the property of the owner to subcontractors, laborers, and those who furnish machinery, material or tile to the contractor, is unconstitutional and

void. All to whom the contractor becomes indebted in the performance of his contract, are bound by the terms of the contract between him and the owner Palmer & Crawford v. Tingle and Young v. The Lion Hardware Co., 55 Ohio S., 423. Burket, J.

1. The act of March 31, 1876 (73 Ohio Laws, 148), which provided, "That in any case in which a judgment has been or may hereafter be rendered in any court, whether a court of record or not, and such judgment is or shall hereafter become dormant, action can only be brought to revive the same within twenty-one years after it became dormant," is not in conflict with section 28 of article 2 of the Constitution, inhibiting the passage of retroactive laws.

2. The right to revive a dormant judgment by motion and conditional order, was, under the act of March 31, 1876, barred in twenty-one years after the judgment became dormant.

3. Non-residence of the defendant in the county and state, or his absence therefrom, and coverture of the plaintiff, are not, under the above named act, disabilities that will prevent the running of the statute of limitations against the revivor of a judgment by motion and conditional order. Bartol v. Eckert, 50 Ohio St., 31. Dickman, J.

The act entitled "An act to provide for refunding of taxes erroneously paid under section 2742, Revised Statutes of Ohio, in counties containing a city of the first grade of the first class," passed April 16, 1890 (87 Ohio Laws, 212), in so far as it imposes an obligation on the county of Hamilton, on account of past transactions, is retroactive, and in conflict with section 28, of article 2, of the Constitution of this State.

The subject of the act is in no respect local, but is of general interest to all the inhabitants of this State, and special legislation thereon is prohibited by section 26, article 2, of the Constitution of this State, which requires all laws of a general nature to have "a uniform operation throughout the State." Commissioners v. Rosche Bros., 50 Ohio St., 103. Bradbury, J.

1. A retrospective statute, remedial in nature, that is, giving a new remedy for the enforcement of an existing right, is not repugnant to the provision in our Constitution inhibiting the passage of retroactive laws. (Raiden v. Holden, Admr., 15 Ohio St., 207.)

2. Section 2781, Revised Statutes, as amended April 14, 1886, in so far as it authorizes the county auditor to make additions of taxable property, omitted by the owner in his returns for previous years, being simply remedial, is not invalid. As to the penalty required to be added for such years, it is otherwise, but being separable from the other provision, and in no way essential to it, may be disregarded without affecting the validity of the statute in other respects.

3. Proceedings before a county auditor for the correction of false returns made by the owner of taxable property, are not governed by the precise rules of the Code of Civil Procedure, regulating the commencement and prosecution of civil actions. No particular style for the proceedings, or form of notice, is prescribed, and it is sufficient if the notice fairly informs the party of the nature of the proceeding and the capacity in which he is required to appear and answer.

4. A certified copy of the inventory of the estate of a deceased person filed by the executor in the probate court, is competent evidence to show

omissions in the returns of the deceased, and, in the absence of anything to the contrary, may warrant the auditor in making additions.

5. Proceedings had before a board of equalization cannot be pleaded as an adjudication in bar of proceedings before a county auditor for the correction of returns under the provisions of sections 2781 and 2782, Revised Statutes.

6. Where additions have been made to the returns of a deceased person, on notice to the executor, the treasurer is not required to formally present the amount of the taxes for allowance, before bringing suit for the same. Gager, Treas. v. Prout, et al., 48 Ohio St., 89. Minshall, J.

SEC. 29. No extra compensation shall be made to any officer, public agent, or contractor after the service shall have been rendered or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly.

At the time of the raid through Ohio by the confederate forces, led by John H. Morgan, in 1863, and their destruction of private property, there was no subsisting law requiring or authorizing the payment of the State damages thereby occasioned to individuals; and therefore, under the provisions of this section, claims for such damages cannot be paid out of the state treasury till allowed by the concurrent votes of two-thirds of the members elected to each branch of the general assembly. Upon the question whether such claims have been allowed by the number of members required by the Constitution, the legislative journals must furnish the appropriate evidence. Fordyce v. Godman, 20 Ohio St., 1.

A single branch of the general assembly can not, by resolution, allow compensation for extra services performed by its sergeant-at-arms, such compensation being inhibited by this section, unless the services were provided for by pre-existing law, or the allowance be ratified by two-thirds of the members elected to each branch of the general assembly. State v. Williams, 34 Ohio St., 218; State ex. rel. v. Oglevee, 37 Ohio St., 1.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of the said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that pur-

pose, but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

The power to make new counties, and to change county lines, existed under the former Constitution. State v. Choate, 11 Ohio, 511.

The act to erect the county of Noble, passed March 11, 1851, is not inconsistent with this Constitution, nor repealed by it. State v. Dudley, 1 Ohio St., 437. Nor does the act of March 29, 1866 (33 v. 58), "to provide for the removal of the seat of justice of Wood county," contravene this provision. Peck v. Weddell, 17 Ohio St., 271; Powers v. Reed, 19 Ohio St., 189. And see Art. II, Sec. 28, Note 2.

SEC. 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

SEC. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

The Constitution of 1802 contained no such prohibition; but in Bingham v. Miller, 17 Ohio, 445, it was held that the legislature had no power, by a special act, to grant a divorce, that being the exercise of a judicial, not a legislative function—a function not granted to the legislature by the Constitution; but that body having exercised the power for more than forty years, to avoid the consequences which would result from declaring all those void which have been granted by the legislature—rendering illegitimate the issue of second marriage—the court would pronounce them valid.

1. The general assembly of this State has authority to prescribe the circumstances that shall constitute *prima facie* evidence of a fact in issue in an action on trial in the courts of this State, whether the cause of action to which it relates arose within or without the territorial limits of the State.

2. The provision of the second section of the act of April 2, 1890 (87 Ohio Laws, 149), which provides that when certain "defects shall be made to appear in the trial of any action in the courts of this State, brought by such employe or his legal representatives against any railroad corporation for damages on account of such injuries so received, the same shall be *prima facie* evidence of negligence on the part of such corporation," applies to all railroad companies any part of whose line of railway extends into this State, whether the injury complained of was received within or without the State. The Pennsylvania Company v. McCann, 54 Ohio St., 10. Bradbury, J.

ARTICLE III.

EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of state,

treasurer of state, and an attorney-general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places of voting for members of the General Assembly. [As amended October 13, 1885; 82 v. 446.].

SEC. 2. The governor, lieutenant-governor, secretary of state, treasurer, and attorney-general, shall hold their offices for two years, and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

SEC. 5. The supreme executive power of this state shall be vested in the governor.

Although the governor, in the exercise of the supreme executive power of the State, may, from the nature of his authority, have a discretion which cannot be controlled by judicial power, yet in regard to a ministerial act, which might have been devolved on any other officer of the State, and affecting any specific private right, he may be made amenable to the compulsory power of the courts. State v. Chase, 5 Ohio St., 528.

"Under our system of government, no officer is placed above the restraining authority of the law, which is truly said to be universal in its behests—'all paying it homage, the least as feeling its care, and the greatest as not exempt from its power.' The judicial power cannot interpose and direct in regard to the performance of an official act, which rests in the discretion of any officer, whether executive, legislative or judicial. The constitutional provision declaring that 'the supreme executive power of this State shall be

vested in the governor,' clothes the governor with important political powers, in the exercise of which he uses his own judgment or discretion, and in regard to which his determinations are conclusive. But there is nothing in the nature of the chief executive officer of this State which prevents the performance of some duties merely ministerial being enjoined on the governor. While the authority of the governor is supreme in the exercise of his political and executive functions, which depend upon the exercise of his own judgment or discretion, the authority of the judiciary of the State is supreme in the determination of all legal questions involved in any matter judicially brought before it. Although the State cannot be sued, there is nothing in the nature of the office of governor which prevents the prosecution of a suit against the person engaged in discharging its duties." Ib., 534, 535—Bartley, C. J.

SEC. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 7. He shall communicate at every session, by message, to the General Assembly, the condition of the state, and recommend such measures as he shall deem expedient.

SEC. 8. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

SEC. 9. In case of a disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

SEC. 11. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying pardons, as may be prescribed by law. Upon conviction for treason he may suspend the execution of the sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon,

commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon, granted, stating the name and crime of convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

The governor, by virtue of the provisions of this section is authorized, of his own motion, to reprieve or suspend, for a specified interval of time, the execution of a prisoner under sentence of death. Sterling v. Drake, 29 Ohio St., 457.

The act of February 1, 1853 (51 v. 323), giving to parties imprisoned for non-payment of fines the benefit of the laws for the relief of insolvent debtors, and authorizing their discharge as such, is not an attempt to place the pardoning power in hands other than those of the governor of the State. It is merely a modification of the penalties prescribed for certain offenses, and is not in conflict with the Constitution. Ex parte Scott, 19 Ohio St., 581. (See Art. I, § 12, Note 1).

SEC. 12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called "The Great Seal of the State of Ohio."

SEC. 13. All grants and commissions shall be issued in the name and by the authority of the state of Ohio, sealed with the great seal, signed by the governor, and countersigned by the secretary of state.

SEC. 14. No member of congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of governor, except as herein provided.

SEC. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SEC. 16. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

SEC. 17. If the lieutenant-governor, while executing the office of governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 18. Should the office of auditor, treasurer, secretary, or attorney-general, become vacant, for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

SEC. 19. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 20. The officers of the executive department and of the public state institutions shall, at least five days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports, with his message, to the General Assembly.

ARTICLE IV.

JUDICIAL.

SECTION 1. The judicial power[1] of the state is vested in a supreme court,[2] circuit courts, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme court as the General Assembly may, from time to time, establish.[3] [As amended October 9, 1883 v. 382.]

1. The power conferred on the State Board of Medical Registration and Examination by the act "to regulate the practice of medicine in the State of

Ohio," (92 O. L., 44-49), is administered in character, and not judicial within the meaning of section 1, article IV, of the Constitution of the State.

2. The act is prospective in operation, and in no respect obnoxious to section 10, of article 1, of the Federal Constitution, which forbids the enactment of *ex post facto* laws and bills of attainder, by the states.

3. It is competent for the State, under its power to provide for the welfare of its people, to establish needful regulations, and impose reasonable conditions, calculated to insure proper qualifications, both with respect to learning and moral integrity, of persons desiring to engage in the practice of medicine in the State, and require compliance therewith by such persons before they shall be permitted to practice within the State. The regulations adopted by this statute are of that character, and do not infringe upon the privileges and immunities guaranteed by section 2, of article IV, of the Federal Constitution to citizens in the several states, nor abridge those secured to citizens of the United States, by the fourteenth article of amendment of that Constitution. France v. The State, 57 Ohio St., 1. Williams, J.

The authority conferred on the senate to try contested elections is not judicial power within the meaning of this section, which requires the judicial power of the State to be vested in the courts. State v. Harmon, 31 Ohio St., 250.

It is the right and duty of the judicial tribunals to determine whether a legislative act drawn in question in suit pending before them, is opposed to the Constitution of the United States, or of this State, and if so found to treat it as nullity. C., W. & Z. R. R. Co. v. Com. of Clinton Co., 1 Ohio St., 77.

In such case the presumption is always in favor of the validity of the law; and it is only when manifest assumption of authority and a clear incompatibility between the Constitution and the law appear, that the judicial power will refuse to execute it. State v. Dudley, Ib., 437; Cass v. Dillon, 2 Ohio St., 608; Hill v. Higdon, 5 Ohio St., 243; Goshorn v. Purcell, 11 Ohio St., 641; Armstrong v. Treas. of Athens Co., 10 Ohio, 235.

While we should be careful not to extend the powers of government by far-fetched implication, we should be equally careful not to defeat the purpose of the Constitution by a narrow and unreasonable construction. Cass v. Dillon, 2 Ohio St., 608.

Courts cannot nullify an act of legislation on the vague ground that they think it opposed to a general latent spirit, supposed to pervade or underlie the Constitution, but which neither its terms nor its implication clearly disclose. Walker v. Cincinnati, 21 Ohio St., 14.

The general and abstract question, whether an act of the legislature be unconstitutional, cannot with propriety be presented to a court; the question must be whether the act furnishes the rule to govern the particular case. Foster v. Com. of Wood Co., 9 Ohio St., 540-543—Gholson, J.

As a general rule, one part of an act will not be held unconstitutional and another part constitutional, unless the respective parts are independent of each other. They must stand or fall together. State v. Com. of Perry Co., 5 Ohio St., 497.

When the provisions are all parts of a single scheme, having a common

object, and are interwoven with and dependent upon one another, it any are unconstitutional all must fail. Monroe v. Collins, 17 Ohio St., 665.

But parts of an enactment, when capable of separation, may be valid and effectual, when other parts may be void, by reason of repugnancy to a constitutional provision. Stevens v. State, 3 Ohio St., 453; Texas B. Ass. No. 2 v. Aurora F. & M. Ins. Co., 34 Ohio St., 291.

"A part of the statute may be void for want of conformity to the Constitution, and the remainder valid. Whether or not the infirmity that avoids a part affects the entire act, depends upon the connection and dependence on each other of its various provisions. Where they are so inseparably connected in subject-matter, and so relate to each other as to give rise to a presumption that a part would have been enacted without the whole, the entire act is void. But where no such connection or dependence exists, that part of the statute not itself in conflict with any constitutional provision, is as valid as if independently enacted." Railroad v. Commissioners, 31 Ohio St., 338, 343—Boynton, J.

The rejection of some of the provisions of the statute for unconstitutionality, will not vary the sense or meaning of its remaining provisions, which are to be construed as well in the light of those rejected as of those which remain. State v. Dombaugh, 20 Ohio St., 167.

The rule applicable to constitutions, as well as statutes, is that where the language is clear there is no room for construction, and the spirit of a provision must be extracted from its words, and not from conjectures aliunde. Wilcox v. Nolze, 34 Ohio St., 520-523—Okey, J.

Whatever inference might be drawn from the debates in the constitutional convention, every provision of the Constitution should be construed agreeably to the import of its terms, as they may be fairly presumed to have been understood by the people, whose ratification alone gave validity to the whole instrument. Lehman v. McBride, 15 Ohio St., 573-602; See 2 Ohio St., 607-621; 3 Ohio St., 1-46; 7 Ohio St., 546-563; 9 Ohio St., 568-578.

2. The supreme court of the United States has appellate jurisdiction, in certain cases, over the court of last resort in the several states. Piqua Bank v. Knoup, 6 Ohio St., 342; Skelly v. Jefferson Bank, 9 Ohio St., 606.

3. See Art. IV, § 15, Note 1.

See State ex. rel. v. Guilbert, Auditor, 56 O. S., 575.

SEC. 2. The supreme court shall, until otherwise provided by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo,[1] and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law.[2] The judges of the supreme court shall be elected by the electors of the state at large, for such term, not less than five years, as

the General Assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the General Assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the supreme court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the General Assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the General Assembly or of an act of congress, it shall be reserved to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect, shall continue to hold their offices until their sucessors are elected and qualified. [As amended October 9, 1883; 80 v. 382.]

[1] The original jurisdiction of the supreme court is limited by the Constitution to quo warranto, mandamus, habeas corpus, and procedendo. Logan Branch Bank, ex parte, 1 Ohio St., 432; Kent v. Mahaffy, 2 Ohio St., 498.

"This is the only original jurisdiction granted by this instrument, and it would be wholly inconsistent with, and in a great measure destructive of, the judicial system it ordains, to suppose that its original jurisdiction can be enlarged by law. It is true there is no express prohibition against it, but none was necessary. The court can exercise only such powers as the Constitution itself confers, or authorizes the legislature to grant. It can derive no power elsewhere. The only jurisdiction that the legislature is authorized to confer upon the supreme court is appellate jurisdiction. For it cannot be supposed that, by the general grant of legislative power, in the second article of the Constitution, the legislative authority to confer powers upon courts is extended beyond the authority vested in the assembly by the fourth or judicial article." Kent v. Mahaffy, 2 Ohio St., 489, 499—Thurman, J.

The power to grant an injunction in a case pending in the court of common pleas, cannot constitutionally be conferred on the supreme court. Ib., 498. And see Griffith v. Com. of Crawford Co., 20 Ohio, 609. Nor can such power be conferred on a single judge of that court, sitting at chambers P. Ft. W. & C. R. R. Co. v. Hurd, 17 Ohio St., 144.

Nor has that court original jurisdiction, under the Constitution to hear

and determine an action purporting to be brought therein to enjoin illegal taxes. Wheeler v. Lynn, 8 Ohio St., 393.

The supreme court is limited in its powers to the decision of such questions as properly arise in the due course of law, in a judicial proceeding within its jurisdiction. State v. Baughman, 88 Ohio St., 455.

[8] The appellate jurisdiction of the supreme court extends only to the judgments and decrees of courts created and organized in pursuance of the provisions of the Constitution. Therefore the appeal from the decision of the auditor of state, provided in the seventy-fourth section of the act of April 13, 1852 (50 v. 166), "for the assessment and taxation of all property in this State," etc., is in conflict with the provisions of the Constitution from which the jurisdiction of the court is derived, and hence cannot be held. Logan Branch Bank, ex parte, 1 Ohio St., 432.

The circuit and supreme courts are capable of receiving jurisdiction to review cases decided by themselves. Longworth v. Sturges, 4 Ohio St., 692.

By the Constitution and the act of February 19, 1852 (50 v. 67), for the organization of the courts, ample power is given to the supreme court to review a judgment of the late supreme court on the circuit. Groves v. Stone, 3 Ohio St., 576.

See France v. The State, 57 O. S., 1.

SEC. 3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory, and bounded by county lines,[1] and each of said districts, consisting of three or more counties, shall be subdivided into three parts of compact territory bounded by county lines, and as nearly equal in population as practicable;[2] in each of which, one judge of the court of common pleas for said district,[3] and residing therein, shall be elected by the electors of said subdivision. Courts of common pleas shall be held by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court, or sitting thereof, may be held at the same time in each district.[4]

[1] "To construe properly this provision, reference must be had to other parts of the Constitution. It certainly cannot mean that the number of the districts shall always continue to be nine, since power is given to the general assembly to increase or diminish them (§ 15). It is equally clear that it cannot mean that the county limits shall always remain the same, as full power is given to change them and make new counties. (Art. II, § 30). To hold, on the other hand, that the limits of the districts must of necessity enlarge or diminish with the counties named as embraced in them, would be to say that Hamilton county, so reduced by division as to contain but twenty thousand inhabitants, would still constitute a district and be entitled to elect three judges. When taken in connection with the fact that the convention itself proceeded to make the division referred to in this section

(see Art. XI, § 12), it is very clear to us that it must be regarded mainly as prescribing a rule for the government of their own action; and when they did act in accordance with it, and fixed the districts by definite boundaries, they must so remain, securing to all citizens included within them their right of suffrage in such districts until changed by legislative enactment." State v. Dudley, 1 Ohio St., 437-449—Ranney, J.

[3] The subdivisions can be neither more nor less than three. District Court case, 84 Ohio St., 481.

[4] The judges of the courts of common pleas are judges of their respective districts, and not of the mere subdivision thereof. The subdivision of the districts is for election purposes merely. Harris v. Gest, 4 Ohio St., 472.

[4] There is nothing in the Constitution that forbids the holding of common pleas courts in different counties of a subdivision at the same time. Ib.

SEC. 4. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law.

The Constitution confers no jurisdiction whatever upon the court of common pleas, in either civil or criminal cases. It is made capable of receiving jurisdiction in all such cases, but can exercise none until conferred by law. Stevens v. State, 3 Ohio St., 453.

See Art. II, § 26, Note 1; Art. IV, § 8, Note 8.

SEC 5. [Repealed October 9, 1883; 80 v. 382.]

SEC. 6. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be provided by law, and shall be held in each county at least once in each year. The number of circuits, and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The General Assembly may change, from time to time, the number of boundaries of the circuits. The circuit courts shall be the successors of the district courts, and all cases, judgments, records, and proceedings pending in said district courts, in the several counties of any district, shall be transferred to the circuit courts in the several counties, and be proceeded in as though said district courts had not been abolished, and the district courts shall continue in existence until the election and qualification of the judges of the circuit court. [As amended October 9, 1883; 80 v. 382.]

Constitution of Ohio—Article IV, Sections 7 to 8.

SEC. 7. There shall be established in each county a probate court, which shall be a court of record,[1] open at all times, and holden by one judge, elected by the voters of the county, who shall hold his office for the term of three years,[2] and shall receive such compensation, payable out of the county treasury, or by fees, or both, as shall be provided by law.

[1] The probate courts of this State are, in the fullest sense, courts of record; they belong to the class whose records import absolute verity, that are competent to decide on their own jurisdiction, and to exercise it to final judgment, without setting forth the facts and evidence on which it was rendered. Shroyer v. Richmond, 16 Ohio St., 455.

[2] The county of Wyandot on account of a tie vote, failed to elect a probate judge on the second Tuesday of October, 1851, as prescribed by the fourth section of the schedule to this Constitution. At the fall election of 1852, K. was elected to that office, and was commissioned for the term of three years. At the fall election of 1855 he was reelected and commissioned for a like term. On the second Tuesday of October, 1857, and while K. still remained judge de facto, another election was held for the office, and M received the highest number of votes. Held—that K. was, on each of said elections, legally commissioned for the term of three years, and that M. was not therefore, entitled to a commission to take effect from the 9th day of February, 1858. State v. Chase, 7 Ohio St., 372. (See Art. IV, § 13, Note).

SEC. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of accounts of executors, administrators, and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators,[1] and guardians, and such other jurisdiction in any county or counties[2] as may be provided by law.

[1] There exists no constitutional impediment in investing the probate court with power upon final settlement with the administrator of an intestate estate, to order distribution of the money remaining in his hands to the persons entitled thereto. McLaughlin v. McLaughlin, 4 Ohio St., 508.

The act of January 9, 1871 (68 v. 6), conferring jurisdiction upon courts of common pleas to appoint guardians of the property of persons incapable of taking care of and preserving their property, by reason of intemperance and habitual drunkeness, is not in conflict with the provisions of this section defining the jurisdiction of probate courts. Hagany v. Cohnen, 29 Ohio St., 82.

[2] This jurisdiction may be extended to all the counties in the State, by a general enactment. "The words, 'in any county or counties,' were probably used rather as enabling than restrictive language, and were designed to permit the general assembly—notwithstanding the provisions of the twenty-sixth section of the second article, requiring all laws of a general nature

to have a uniform operation throughout the State—in its discretion, to confer upon the probate court more extended powers in some counties than in others Upon the opposite construction, a power to confer the jurisdiction in one county by a local enactment, is a power to confer it in all the counties in the same manner; which brings us to the absurd conclusion that the legislature is competent to do by ninety laws what it is incompetent to do by one." Giesy v. C., W. & Z. R. R. Co., 4 Ohio St., 308-320—Ranney, J.

"A jurisdiction may be given to the probate court in one county, which is not conferred in another; but this express exception relates only to the extent of the jurisdiction of the probate court. The whole object of the section is to define the limits of its jurisdiction; it treats of nothing else, and does not once name the court of common pleas. Nor does it follow as a necessary conclusion that because the jurisdiction of the probate court may be more extensive in one county than another, the jurisdiction of the courts of common pleas must also differ in extent. The latter may be uniform and the former not. The probate court may, in some counties, possess a jurisdiction concurrent with the common pleas, which is denied to it in others." Kelly v. State, 6 Ohio St., 269-273—Scott, J.; and see Art. II, § 26, Note 1.

1. There is nothing in either the seventh or eighth sections of the fourth article of the Constitution of this State, to prevent the establishment of a court of insolvency under the act of May 21, 1894, entitled "An act to establish a court of insolvency in counties containing a city of the first grade of the first class, and for the relief of the probate court of such counties." 91 Ohio Laws, 844.

2. It does not appear on the face of said act, nor when read in connection with other acts in *pari materia*, that the date therein fixed for the election of the judge of the court of insolvency is an error or mistake; neither does it appear that it was the intention of the legislature that such judge should be elected on the day of the general election in November, 1894.

3. The force and legal effect of a statute cannot be altered or changed by averment in a pleading. State ex rel. v. Archibald, Sheriff, 52 Ohio St., 1. Burket, J.

SEC. 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

SEC. 10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

SEC. 11. [Repealed October 9, 1883; 80 v. 382.]

SEC. 12. The judges of the courts of common pleas shall,

while in office, reside in the district for which they are elected; and their term of office shall be for five years.

SEC. 13. In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Where a vacancy occurred in the office of probate judge of Pickaway county more than thirty days before the next annual election, at which a probate judge for the constitutional term was also to be chosen, and the sheriff, in his proclamation giving notice of said election, failed to give notice that a probate judge would be chosen to fill the unexpired term, but merely gave notice that one probate judge for said county would be chosen, without more, and the voters cast their ballots for probate judge without indicating whether for the unexpired term or for the constitutional term—Held: 1. That under the Constitution and laws of this State, such election of probate judge was not void for uncertainty. 2. That such election did not embrace both the offices which should have been voted for at that time. 3. That the judge thus elected must, by reasonable intendment, be held to have been elected for the full, and not for the unexpired term. State v. Cogswell, 8 Ohio St., 620.

The term of office of a judge elected to fill a vacancy is limited to the unexpired portion of the regular term in which such vacancy occurs; and a commission assuming to confer official authority for a longer term is, as to the excess, inoperative. Scarff v. Foster, 15 Ohio St., 537.

Where a vacancy is about to occur in the office of probate judge, by reason of the expiration of the term of an incumbent of that office, and the sheriff, in pursuance of the statute, in due time prior to the day for the regular election, publishes his proclamation, giving notice of such election, and enumerating therein all the state and county offices to be filled at such election, except the office of probate judge, in respect to which the proclamation is silent, and, by reason of such misfeasance of the sheriff, the great body of the electors of such county are misled, and have no notice, either official or in fact, of an election to fill the office of probate judge, but, nevertheless, a small number of the electors of the county, less than one-fourth of the whole number of voters at that election, cast their votes for a single candidate, and no votes are cast for any other, such attempted election is irregular and invalid. Foster v. Scarff, 15 Ohio St., 532.

From this section the implication is manifest that the Constitution intends that in respect to elections to fill vacancies in the office of judge, at least thirty day's time for notice of the election shall be afforded. . . . We do not intend to hold, nor are we of opinion, that the notice by proclamation, as prescribed by law, is per se, and in all supposable cases, necessary to the validity of an election. If such were the law, it would be in the power

of a ministerial officer, by his misfeasance, always to prevent a legal election. We have no doubt that where an election is held in other respects as prescribed by law, and notice in fact of the election is brought home to the great body of the electors, though derived through means other than the proclamation which the law prescribes, such election would be valid. But where, as in this case, there was no notice, either by official proclamation or in fact, and it is obvious that the great body of the electors were misled, for want of the official proclamation, its absence becomes such an irregularity as to prevent an actual choice by the electors, prevents an actual election, in the primary sense of the word, and renders invalid any semblance of an election, which may have been attempted by a few, and which must operate, if it be allowed to operate at all, as a surprise and fraud upon the rights of the many. Ib., 585-587—Brinkerhoff, C. J.

SEC. 14. The judges of the supreme court, [of the circuit court], and of the court of common pleas, shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of this state, or the United States.[1] All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the General Assembly, or the people shall be void.

[1] The act of May 4, 1869 (66 v. 80), "relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," is not opposed to this section. The duty it imposes upon the court—the appointment of trustees of a railroad to be constructed by a municipal corporation—is of judicial character. Neither does it create a new office, in imposing this duty on the judges of the court, but simply annexes a new duty to an existing office. Walker v. Cincinnati, 21 Ohio St., 14.

So also the authority of determining the number and compensation of assistants to various county officers, conferred by the act of April 6, 1870 (67 v. 36), and the supplemental act of April 12, 1871 (68 v. 58), on the judges of the court of common pleas, does not invest them with a new office, but merely authorizes them to perform additional duties as judges. State v. Judges, Ib., 1.

SEC. 15. The General Assembly may increase, or diminish, the number of the judges of the supreme court, the number of the districts of the court of common pleas, the number of judges in any district, change the districts, or the subdivisions thereof, or establish other courts,[1] whenever two-thirds of the members elected to each house shall concur therein, but no such change, addition or diminution, shall vacate the office of any judge.[2]

[1] "It is perfectly clear that, upon the creation of any additional court by the legislature, the judicial officer must be elected, as such, by the electors of the district for which such court is created (Art. IV, § 10); and it is not within the competency of the legislature to clothe with judicial power any officer or person not elected as a judge." Logan Branch Bank, ex parte, 1 Ohio St., 432-434—Corwin, J.

The act of May 8, 1852, "To provide for the organization of cities and incorporated villeges," (50 v. 223), conferring on mayors of cities of the second class, "all the jurisdiction and powers of a justice of the peace in all matters civil and criminal," provided the same was passed by a vote of two-thirds of all the members elected to each house of the general assembly, is not in contravention of this Constitution. Steamboat Northern Indiana v. Milliken, 7 Ohio St., 888.

Such concurrence will, in absence of all showing to the contrary, be presumed. Ib., Miller v. State, 8 Ohio St., 475.

The subdivisions can be neither more nor less than three. District Court case, 84 Ohio St., 431.

The general assembly may provide for the election of a successor to any such additional judge; but in the absence of words clearly indicating such purpose, no such election is authorized. State v. Brown, 88 Ohio St., 344.

[2] That is, the office of any judge of a court established by this Constitution. But the Constitution has not limited the power of the general assembly to abolish courts created by the legislature, nor its power to vacate the office of judges of such courts. State v. Wright, 7 Ohio St., 333.

Section 15 of article IV of the Constitution of 1851 vests in the general assembly of this State the power to change the subdivisions of the judicial dictricts of the State, subject, however, to the limitatious imposed by section 2 of the same article. While section 3, among other limitations, may prohibit the division of a county, or placing totally disconnected counties in the same subdivision, yet, subject thereto, the territorial form of the new subdivisions, and the relative population of each, rests within the discretion of the general assembly. State ex rel. v. Jacobi, Sheriff, 52 Ohio St., 66. Bradbury, J.

SEC. 16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but, the General Assembly may provide, by law, for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

The period for the termination of the office of clerk of the court of

common pleas, held by simple appointment to fill a vacancy, is not fixed by the Constitution, but subject to legislative enactment. (Art. II, § 20). State v. Neibling, 6 Ohio St., 40.

In case of a vacancy in the office of the clerk of the court of common pleas, the successor, elected by the electors of the county, is elected for the full term of three years, which will commence from and after the day of his election. Ib.

1. The act of March 2, 1893 (90 O. L., 63), amending section 1240 of the Revised Statutes, by providing that "there shall be elected triennially, in each county, a clerk of the court of common pleas, who shall hold his office three years, beginning on the first Monday of August next after his election," is a valid exercise of the legislative power.

2. The clerks elected thereunder were elected by the people for the term commencing as therein specified, and cannot sooner qualify and enter on the discharge of the duties of the office.

3. By virtue of section 16 of article 4 of the Constitution, present incumbents of the clerk's office elected in pursuance of the statutes heretofore in force, are entitled to hold until their elected successors may qualify in pursuance of the law under which they were elected. State ex rel. v. McCracken et al., 51 Ohio, 128. Spear, J.

SEC. 17. Judges may be removed from office, by concurrent resolution of both houses of the General Assembly, if two-thirds of the members elected to each house concur therein; but no such removal shall be made, except on complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

SEC. 18. The several judges of the supreme court, [of the circuit court], of the common pleas [court], and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

"Jurisdiction of chambers is incidental to, and grows out of, the jurisdiction of the court itself. It is the power to hear and determine, out of court, such questions arising between the parties to a controversy, as might well be determined by the court itself, but which the legislature has seen fit to intrust to the judgment of a single judge out of the court, without requiring them to be brought before the court in actual session. It follows that the jurisdiction of a judge at chambers cannot go beyond the jurisdiction of the court to which he belongs, or extend to matters with which his court has nothing to do; and the Constitution, in granting such jurisdiction at chambers to the judges of the several courts of the State, as may be directed by law, is to be understood as limiting the jurisdiction of each to such subject-matters

as are within the jurisdiction of his proper court, and to which it is, ex vi termini, limited." P., Ft. W. & C. Ry. Co. v. Hurd, 17 Ohio St., 144-146, 147—Scott, J.

SEC. 19. The General Assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment in any case, except upon submission, by the parties, of the matter in dispute, and their agreement to abide by such judgment.

SEC. 20. The style of all process shall be "The State of Ohio"; all prosecutions shall be carried on in the name, and by the authority, of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

Where it appears from the caption of an indictment that the prosecution is carried on "in the name and by the authority of the State of Ohio," it need not be again averred in the successive counts of the indictment; and if the indictment contains more than one count and a nolle prosequi is entered as to the first, the remaining counts of the indictment will not thereby be rendered defective for the want of that averment, where it is contained in the caption. Davis v. State, 19 Ohio St., 270.

SEC. 22. [21.] A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the Senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered, and enforced as the judgments of the supreme court; and at the expiration of the term of said commission all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in

number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of the Senate, if the Senate be in session; and if the Senate be not in session, by the governor; but in such last case, such appointment shall expire at the end of the next session of the General Assembly. The General Assembly may, on application of the supreme court, duly entered upon the journal of the court and certified, provide by law, whenever two-thirds of each house shall concur therein, from time to time, for the appointment in like manner of a like commission, with like powers, jurisdiction, and duties; provided that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years. [As adopted October 12, 1875; 72 v. 269.]

The power of the supreme court to vacate or modify its judgment or orders, after the term, extends, since the expiration of the supreme court commission, to the judgments and orders of that body, as fully as to the judgments and orders of the court. Murphy v. Swadner, 32 Ohio St., 672.

The supreme court has no power to re-hear a case decided by the late supreme court commission on the ground that the same was erroneously determined. Maud v. Maud, 32 Ohio St., 540.

The action of a commission in dismissing a proceeding in error, and overruling a motion to reinstate the same, is final. Atcherly v. Dickinson, 32 Ohio St., 587.

ARTICLE V.

ELECTIVE FRANCHISE.

SECTION 1. Every white[1] male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector,[2] and be entitled to vote at all elections.[3]

[1] For a discussion and definition of the word "white," as here used, see Anderson v. Milliken, Ohio St., 568; Monroe v. Collins, 17 Ohio St., 665; Jeffries v. Ankeny, 11 Ohio St., 372; Thacker v. Hawk, Ib., 376; Gray v. State, 4 Ohio, 353; Lane v. Baker, 12 Ohio, 237; Williams v. School Directors, Wright's Rep., 178.

This restriction on the elective franchise is now abrogated by the fourenth and fifteenth articles of amendment to the Federal Constitution.

Article XIV, so far as it relates to this subject, is as follows: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The fifteenth article provides that, 1. "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color or previous condition of servitude." 2. The congress shall have power to enforce this article by appropriate legislation. Such legislation has been enacted by congress.

[2] The legislature has no right, directly or indirectly, to deny or abridge the constitutional right of citizens to vote, or unnecessarily to impede its exercise; and laws passed professedly to regulate its exercise, or prevent its abuse, must be reasonable, uniform and impartial. Monroe v. Collins, 17 Ohio St., 665. And see State v. Constantine, 42 Ohio St., 437.

[3] The act of April 13, 1863 (60 v. 80), "to enable qualified voters of this State, in the military service of this State or of the United States, to exercise the right of suffrage," was intended to enable qualified voters of the State, in the military service, to vote in accordance with its provisions, as well without as within the territorial limits of this State. The act is not clearly in conflict with any constitutional provision, and is, therefore, to be regarded as a constitutional and valid enactment. It does not purport to have such extra territorial operation and effect as would place its enactments beyond the legitimate sphere of the legislative power of the State, and so render them invalid. Lehman v. McBride, 15 Ohio St., 573.

"The general principle which pervades the Constitution on the subject of elections, is that no one shall be allowed to participate in the election of officers whose jurisdiction will not extend over him, or territorially include the place of his residence; but that the electors of each district or civil subdivision of the State shall have the right to elect their own official representatives or public functionaries. Under a proper construction of the Constitution, persons having the qualifications of electors may justly claim a right to vote at all elections of officers of the State, and of such other civil officers as, by the provision of the Constitution and laws, are to be chosen by the electors of the county, township, ward or district in which such persons respectively reside. The place of holding an election is not the criterion, and furnishes no essential part of the test, which limits the elector's right to vote 'at all elections.' But a right to vote at all elections does not import a right to vote at more than one of the places prescribed by law for holding an election, any more than it imports a right to vote more than once at the same place." Ib., 528—Scott, J.

"We find nothing in this section which refers, in the slightest degree, even by implication, to the place of holding elections. Had it been the intention of the framers of our present Constitution to fix or limit by this section the place at which the elective franchise should be exercised by the voters respectively, it is quite remarkable that no attempt should have been made to do so, in express terms—that such an important limitation of legislative power should have been left to be gathered from what is not said, or to be inferred from a declaration of the elector's 'right to vote at all elections.' And it is the more remarkable because, in the corresponding section of the

Constitution of 1802 (Art. IV, § 1), which defines the qualifications of electors, there was a clause of express limitation, in the following terms: 'No person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.' Now the fact that this clause was wholly excluded from the present Constitution, and no express limitation as to the place of voting was inserted in its stead, would seem to be quite significant. It is in this part of the Constitution, which treats solely of the elective franchise, that we would naturally expect to find, if anywhere, a restriction limiting the place of its exercise. Here such restriction was placed, in express terms, by the Constitution of 1802, and from this, its appropriate place, it was stricken out in the Constitution of 1851, and inserted in no other place. We think it may be very fairly inferred that whilst the Constitution defines the qualifications of electors, and prescribes by what portion of them all officers shall be chosen, it was intended to leave all further details, whether as to the place of holding elections, or the mode in which they should be conducted, to the wisdom of the legislature, to be provided for and modified from time to time, as the ever-varying circumstances of the unknown future might seem to require." Ib.

The requirement of section 7 of the act of April 8, 1898 (93 Ohio Laws, 93) that papers to secure the nomination of candidates for public offices "shall contain a provision to the effect that each signer thereto pledges himself to support and vote for the candidate or candidates whose nominations are therein requested," operating uniformly and impartially upon all classes of electors, and interposing no unreasonable impediment to the exercise of the elective franchise, is valid. State ex. rel. Plimmer v. Poston et. al., 59 Ohio St., 122. Bradbury, J.

The requirement of section 6 (89 Ohio Laws, 434), that certified nominations of candidates for public offices must be made by "convention, caucus, meeting of qualified electors, primary election held by such electors or central or executive committee, representing a political party, which at the next preceding election polled at least one per cent. of the entire vote cast in the State" is not repugnant to any provisions of the Constitution. State ex. rel. Plimmer v. Poston et. al., 58 Ohio St., 620. By the Court.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony and breach of the peace.

SEC. 4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

1. The provisions of the act of April 8, 1896, entitled "An act to prevent corrupt practices at elections," (92 O. L., 123), which direct the commencement of an action by the prosecuting attorney, at the instance of the attorney-general, for the purpose of inquiring into the title to an office of a suc-

cessful candidate who is charged with acts made unlawful by any law of this State, and which authorize the court, upon finding any of such charges true, to render judgment declaring the election void, the office vacant, and excluding the incumbent therefrom, are not in conflict with the Constitution, and are valid.

2. In such action, neither party has a right to trial by jury. Mason v. The State ex. rel. McCoy, 58 Ohio St., 30. Spear, C. J.

In a prosecution for offering a bribe to an officer, who is acting as such under a statute providing for the government of a municipal corporation, the defendant cannot question the constitutionality of such statute. The State v. Gardner, 54 Ohio St., 24. Bradbury J.

SEC. 5. No person in the military, naval, or marine service of the United States shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

Inmates of an asylum provided by the United States for disabled volunteer soldiers resident within the territory so used, being within the exclusive jurisdiction of a government other than that of the State within whose boundaries such asylum or territory may be situated, are not residents of such State within the meaning of this section of the Constitution; and where the Constitution of such State confers the elective franchise upon residents thereof alone, the inmates of such asylum, residents within such territory, are not entitled to vote at any election held within and under the laws of such State. Sinks v. Reese, 19 Ohio St., 306.

But persons residing in said asylum, at the time of an election after the jurisdiction thereover has been restored to the State, and for the year next preceding the election, are to be regarded as residents of the State, and for the entire year, notwithstanding the fact that part of the year transpired while the jurisdiction was in the United States. Renner v. Bennett, 21 Ohio St., 431.

SEC. 6. No idiot or insane person shall be entitled to the privileges of an elector.

The vote of a man otherwise qualified, who is neither a lunatic nor an idiot, but whose faculties are simply greatly enfeebled by age, ought not to be rejected. Sinks v. Reese, 19 Ohio St., 307.

ARTICLE VI.

EDUCATION.

SECTION 1. The principal of all funds arising from the sale or other disposition of lands or other property granted or entrusted to this state for educational or religious purposes, shall forever be preserved inviolate and undiminished; and the income arising

therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

SEC. 2. The General Assembly shall make such provisions, by taxation or otherwise,[1] as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state,[2] but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this state.

[1] Section 78 of the tax law of 1859, as amended April 8, 1865 (62 v. 105), which authorizes the taxation of school lands immediately after sale, as the other lands in the State, is not in contravention of this section, where the payment of the purchase money, in whole or in part, is not defeated by such taxation. State v. Purcel, 31 Ohio St., 352.

[2] The Constitution of the State does not enjoin or require religious instruction, or the reading of religious books in the public schools of the State. Board of Education v. Minor, 23 Ohio St., 211.

The legislature having placed the management of the public schools under the exclusive control of directors, trustees, and boards of education, the courts have no rightful authority to interfere by directing what instruction shall be given, or what books shall be read therein. Ib.

The statute of March 14, 1853, "to provide for the reorganization, supervision and maintenance of common schools," is a law of classification, and not of exclusion, providing for the education of all youths within the prescribed ages; and the words "white" and "colored" as used in said act, are used in their popular and ordinary signification. Children of three-eights African blood, generally treated and regarded as colored children by the community where they reside, are not, as of right, entitled to admission into the common schools set apart under said act, for the instruction of white youths. Van Camp v. Board of Education of Logan, 9 Ohio St., 406; State v. McCann, 21 Ohio St., 198.

By the act of February 22, 1887 (O. L., Vol. 84, p. 34), all reference to the color of school youth or of citizens of Ohio was removed from the Statutes of Ohio.

Laws regulating the organization and management of the common schools, must have a uniform operation throughout the State. State ex rel. v. Powers, 38 Ohio St., 54.

See Art. I, § 7, Note 2; Const. 1802, Art. VIII, § 25, Note.

ARTICLE VII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the state; and be subject to such regulations as may be prescribed by the General Assembly.

SEC. 2. The directors of the penitentiary shall be appointed or elected in such manner as the General Assembly may direct; and the trustees of the benevolent and other state institutions now elected by the General Assembly, and of such other state institutions as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the Senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and entered upon the journals of the Senate.

"The first clause of this section is in no way inconsistent or in conflict with the provisions of the twenty-seventh section of the second article, but is in entire harmony with it. It in no way qualifies or enlarges the exceptions to the general prohibition of any appointing power by the general assembly therein contained, but leaves the prohibition to operate with full force and effect. . . . The clause of Art. VII, § 2, that 'the directors of the penitentiary shall be appointed or elected in such manner as the general assembly may direct,' and that of Art. II, § 27, that 'the election and appointment of all officers, and the filling of all vacancies not otherwise provided for by this Constitution, or the Constitution of the United States, shall be made in such manner as may be directed by law,' are equivalent to each other. When the legislature 'directs,' it directs by law. Its appropriate voice is the voice of law. The prohibition attached by way of proviso, expressly to the one, applies equally to both, and is no more in conflict with the one than with the other." State v. Kennon, 7 Ohio St., 546-561, 562—Brinkerhoff, J. And see Art. II, § 27, Note 8.

Longview Asylum is not a state institution within the meaning of this section. Chalfant v. State, 37 Ohio St., 60.

SEC. 3. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and until a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII.

PUBLIC DEBT AND PUBLIC WORKS.

SECTION 1. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct or contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money

arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

See Art. VIII, § 3, Note.

SEC. 2. In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness of the state; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts incurred to redeem the present outstanding indebtedness of the state, shall be so contracted as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

See Art. VIII, § 3, Note; Art. II, § 28, Note.

SEC. 3. Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by or on behalf of the state.

The natural and obvious meaning of the first three sections of this article applies their limitations to the State alone, and not to her subdivisions. Cass v. Dillon, 2 Ohio St., 608; Walker v. Cincinnati, 21 Ohio St., 14-52.

The board of public works made contracts on behalf of the State, stipulating to pay yearly, for the period of five years, for materials and repairs of the canals of the State, an amount in the aggregate of $1,375,000. Held: 1. That except in certain specific cases, no debt of any kind can be created on behalf of the State. 2. That no officers of the State can enter into any contract except in cases specified in the Constitution, whereby the general assembly will, two years after, be bound to make appropriations either for a particular object or a fixed amount; the power and the discretion, intact, to make appropriations, in general, devolving on each biennial general assembly, and for the period of two years. 3. The contracts of the board of public works creating a present obligation to pay for the period of five years a certain amount, do not come within said constitutional exceptions, and are in contravention of the provisions of Art. VIII, § 3, and Art. II, § 2. State v. Medberry, 7 Ohio St., 522.

SEC. 4. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the state ever hereafter become a joint owner or stockholder in any company or association in this state, or elsewhere, formed for any purpose whatever.

It was competent for the legislature under the Constitution of 1802 to construct works of internal improvement, on behalf of the State, or to aid in their construction by subscribing to the capital stock of corporations created for that purpose, and to levy taxes to raise the means; and by an exercise of the same power, to authorize a county or township to subscribe to a work of that character running through or into such county or township, and to levy a tax to pay the subscription. C., W. & Z. R. R. Co., v. Com. of Clinton Co., 1 Ohio St., 77; S. & I. R. R. Co. v. North Tp., Ib., 105; Loomis v. Spencer, Ib., 153; Cass v. Dillon, 2 Ohio St., 608; Thompson v. Kelley, Ib., 647; State v. Com. of Clinton Co., 6 Ohio St., 280; State v. Van Horne, 7 Ohio St., 327; State v. Union Tp., 8 Ohio St., 394; Paris Tp. v. Cherry, Ib., 564; Treadwell v. Com. of Hancock Co., 11 Ohio St, 183; State v. Com. of Hancock Co., 12 Ohio St., 596; Goshen Tp. v. Shoemaker, Ib., 624; Com. of Knox Co. v. Nichols, 14 Ohio St., 260; Fosdick v. Perrysburg, Ib., 472; Shoemaker v. Goshen Tp., Ib., 569; Walker v. Cincinnati, 21 Ohio St., 14-48.

SEC. 5. The state shall never assume the debts of any county, city, town or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the state in war.

"The clear implications of this section are, that counties, cities, towns, and townships, may create debts to repel invasion, suppress insurrection, or defend the State in war, which the State may assume; and may also create debts for other purposes which the State is forbidden to assume." Walker v. Cincinnati, 21 Ohio St., 14-52—Scott, C. J.

SEC. 6. The General Assembly shall never authorize any county, city, town, or township, by vote of its citizens or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or loan its credit to, or in aid of, any such company, corporation or association.

1. The act of May 4, 1869 (66 Ohio Laws, 80), under which the line of railroad known as the "Cincinnati Southern Railway" was constructed, does not require that the road be kept under lease perpetually by the board of trustees provided for by the act, nor exclude the power of alienation of the property by the proper municipal authorities, in accordance with appropriate legislation.

2. The act of March 12, 1887, (84 Ohio Laws, 82), which authorizes the sale of railways constructed under the act above mentioned, is not in conflict with section 6, of article 8, of the Constitution of this State, nor will a *bona fide* sale, made under its provisions, constitute a loan of municipal credit to the purchaser, or to any corporation that may obtain control of the road, though in making the sale the parties contemplate that the road will

pass into the hands of a corporation, and a per centum of the future gross earnings of the road is to be paid as a part of its purchase price.

3. Payment of the purchase money in cash is not essential to a valid sale under the statute; the sale is authorized to be made upon terms of payment satisfactory to the designated municipal board.

4. While the states of Kentucky, and Tennessee, each granted the privilege of constructing the railway within their respective territorial limits, and also certain franchises necessary to the operation and maintenance of the road, which add materially to its value, neither state acquired any property interest in the railway, nor is the consent of either necessary to its sale.

5. It is not a ground of injunction in favor of the debtor that the act or proceeding sought to be restrained will impair the obligation of his contract, as the creditor is the only party who can be injuriously affected, the remedy belongs to him. City of Cincinnati v. Dexter et. al., 55 Ohio St., 93. Williams, C. J.

1. Under section six of article eight of the Constitution, a city is prohibited from raising money for, or loaning its credit to, or in aid of, any company, corporation, or association; and thereby a city is prohibited from owning part of a property which is owned in part by another, so that the parts owned by both, when taken together, constitute but one property.

2. A city must be the sole proprietor of property in which it invests its public funds, and it cannot unite its property with the property of individuals or corporations, so that when united, both together form one property.

3. Section eight of the act of April 24, 1896, entitled "An act to provide for water-works purposes in cities of the first grade of the first class," 92 O. L., 606, is unconstitutional, being in conflict with section six of article eight of the Constitution. The remainder of the act, not depending upon said section eight, is a valid statute.

4. The act of April 24, 1896, entitled "An act to prescribe the purposes for which water rents may be assessed and collected in cities of the first grade of the first class," 92 O. L., 605, is a valid statute. Alter v. City of Cincinnati et. al., and Ampt v. City of Cincinnati, et. al., 56 Ohio St., 47. Burket, J.

What the general assembly is thus prohibited from doing directly, it has no power to do indirectly. Taylor v. Com. of Knox Co., 23 Ohio St., 22.

Where public credit or money is furnished by any of the subdivisions of the State named, to be used in part construction of the work which, under the statute authorizing its construction, must be completed, if completed at all, by other parties out of their own means, who are to own or have the municipal control and management of the work when completed, the public money or credit thus used can only be regarded as furnished for or in aid of such parties. Ib.

The act of April 23, 1872, to authorize counties, townships, and the municipalities therein named, to build railroads (69 v. 84), authorizing the raising of money by taxation, which is equally applicable to the unlawful purpose of aiding railroad companies and others engaged in building and operating railroads as it is to any lawful purpose, and gives to the officers entrusted

with the control and application of the money thus raised no means or power of discrimination as to the lawfulness or unlawfulness of the work or purpose to which it is to be applied, and thus it is in contravention of section six, article eight, of the Constitution, and therefore void. Ib.

The mischief which this section interdicts is a business partnership between a municipality or subdivision of the State, and individuals or private corporations or associations. It forbids the union of public and private capital or credit in any enterprise whatever. In no project originated by individuals, whether associated or otherwise, with a view to gain, are the municipal bodies named permitted to participate in such manner as to incur pecuniary expense or liability. They may neither become stockholders nor furnish money or credit for the benefit of the parties interested therein. Though joint stock companies, corporations, and associations only are named, we do not doubt that the reason of prohibition would render it applicable to the case of a single individual. The evil would be the same, whether the public suffered from the cupidity of a single person, or from that of several persons associated together. As this alliance between public and private interests is clearly prohibited in respect to all enterprises, of whatever kind, if we hold that these municipal bodies cannot do on their own account what they are forbidden to do on the joint account of themselves and private partners, it follows that they are powerless to make an improvement, however necessary, with their own means, and on their own sole account. We may be very sure that a purpose so unreasonable was never entertained by the framers of the Constitution. Walker v. Cincinnati, 21 Ohio St., 14-54, 55—Scott, C. J.

The act of May 4, 1869, "relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants" (66 v. 80), authorizing such cities to construct a railroad terminating in and essential to the interests of themselves, and to borrow, as a fund for that purpose, a sum of money not exceeding ten millions of dollars, violate neither the express nor implied prohibitions of this section. Walker v. Cincinnati, 21 Ohio St., 14 affirming 1 Cin. Sup. C. Rep. 121.

The act of March 29, 1867 (64 v. 89), "to authorize the county commissioners to construct roads on petition of a majority of resident landowners along and adjacent to the line of said road," etc., does not violate this section. State v. Com. of Warren Co., 17 Ohio St., 558.

This section plainly refers to future legislation alone, and the acts it prohibits are not subscriptions under laws existing at the time of the adoption of the new Constitution, but the making of any more such laws. Cass v. Dillon, 2 Ohio St., 608; State v. Trustees of Union Township, 8 Ohio St., 394; Com. of Knox Co. v. Nichols, 14 Ohio St., 260; State v. Perrysburg, 14 Ohio St., 472; Thompson v. Kelley, 2 Ohio St., 647; and see Art. VIII, § 4, Note.

SEC. 7. The faith of the state being pledged for the payment of its public debt, in order to provide therefor there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and annually, to reduce the principal

thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of six per cent per annum. The said sinking fund shall consist of the net annual income of the public works and stocks owned by the state, or any other funds or resources that are, or may be, provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

SEC. 8. The auditor of state, secretary of state, and attorney-general, are hereby created a board of commissioners, to be styled, "The Commissioners of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same with his regular message to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

SEC. 10. It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only the school and trust funds held by the state.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately cause the same to be published, and shall also communicate the same to the General Assembly forthwith, if it be in session, and if not, then at its first session after such report shall be made.

SEC. 12. So long as this state shall have public works which require superintendence, there shall be a board of public works, to consist of three members, who shall be elected by the people at the first general election after the adoption of this constitution,

one for the term of one year, one for the term of two years, and one for the term of three years; and one member of said board shall be elected annually thereafter, who shall hold his office for three years.

SEC. 13. The powers and duties of said board of public works, and its several members, and their compensation, shall be such as are now, or may be, prescribed by law.

No powers can be exercised by the board under the laws existing when the Constitution took effect, unless such laws are consistent with the provisions of the Constitution. State v. Medberry, 7 Ohio St., 522. "The laws referred to are only such as are in harmony with the Constitution." Ib., 544—Swan, J.; and see Art. VIII, § 3, Note.

ARTICLE IX.

MILITIA.

SECTION 1. All white[1] male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the constitution and laws of the United States, as may be prescribed by law.[2]

[1] See Art. V, § 1, Note 1. [2] See Art. XII, § 1, Note.

SEC. 2. Majors general, brigadiers general, colonels, lieutenant colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty, in their respective districts.

SEC. 3. The governor shall appoint the adjutant-general, quartermaster-general, and such other staff officers as may be provided for by law. Majors general, brigadiers general, colonels, or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

SEC. 4. The governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection, and repel invasion.

"The faithful execution of the laws when enacted, expounded and applied by the courts to cases when necessary, is confined to the executive.

The militia is an arm of the executive power. . . . Not a word is found in the Constitution giving countenance to the opinion sometimes expressed, and more frequently felt, that the militia or military force, instead of being a means to be employed by the executive department in the important duty of executing the laws, are a distinct department, equal to either of the others, and independent of their control." State v. Coulter, Wright's Rep., 421-424-425.

SEC. 5. The General Assembly shall provide, by law, for the protection and safe keeping of the public arms.

ARTICLE X.

COUNTY AND TOWNSHIP ORGANIZATIONS.

SECTION 1. The General Assembly shall provide, by law, for the election of such county and township officers as may be necessary.

The Constitution did not create the municipalities of the State, nor does it attempt to enumerate their powers. It recognizes them as things already in being, with powers that will continue to exist, so far as they are consistent with the organic law, until modified or repealed. Cass v. Dillon, 2 Ohio St., 608.

This section has no relation to city or village officers. State v. Covington, 29 Ohio St., 102.

SEC. 2. County officers shall be elected on the first Tuesday, after the first Monday in November, by the electors of each county, in such manner and for such term, not exceeding three years, as may be provided by law. [As amended October 13, 1885; 82 v. 44b.]

See State ex rel. Beal, O. S., 60, p. 208.

The office of "County Warden" created by section 409, Revised Statutes, is a county office, and cannot be filled by an appointment. Art. 10, Sec. 2, Constitution. State ex rel. Armstrong v. Halliday, Auditor, 61 Ohio St., 171. By the Court.

1. The act of March 14, 1890 (87 Ohio L., 439), which makes provision for the appointment by the clerk of the court of common pleas of a stationery storekeeper for Hamilton county, and devolves upon such storekeeper the duty to purchase and have charge of all blank books, stationery, printing and office appliances for the offices of that county, fixing an annual salary of $1,500, to be paid by the county treasurer from the general fund of the county, and requiring a bond in the sum of $5,000, for the faithful performance of his duties, is an attempt to constitute a county office, and provide for the filling of the same, for a full term by appointment.

2. The act is in conflict with sections 1 and 2 of article 10 of the Constitution, which require that all county officers shall be elected, and is, therefore, void. State ex rel. v. Brennan, 49 Ohio St., 33. Spear, J.

1. Where the term of an office is fixed and limited by the Constitution, there is no power in the general assembly to extend the term or tenure of such office beyond the time so limited.

2. At the October election of 1883 Brewster was elected auditor of Hamilton county for the term of three years, commencing on the second Monday of November next after his election. At the November election of 1886, Raine was elected auditor (pursuant to an amended provision of the Constitution and section of the statute changing the time of elections) for a term of three years, beginning on the second Monday of September next after the election. The Constitution provided, both before and after such amendment, that county officers should be elected for such terms *not exceeding three years*, as may be provided by law. *Held*, 1. At the expiration of Brewster's term of office, to-wit, on the second Monday of November, 1886, there was a vacancy in such office. 2. Section 8, Revised Statutes, which provides that "any person holding an office or public trust shall continue therein until his successor is elected or appointed and qualified, unless it is otherwise provided in the Constitution or laws," did not have the effect to continue Brewster in office beyond his term of three years. 3. Section 1017, Revised Statutes, which provides that "when a vacancy happens in the office of county auditor from any cause, the commissioners of the county shall appoint some suitable person, resident of the county, to fill the vacancy," authorized the commissioners to fill the vacancy so created, and their appointee, having duly qualified, is entitled to fill such office until the commencement of Raine's term of office—on the second Monday of September 1887; and the fact that Raine is such appointee does not constitute such appointment an extension of his term of office beyond three years. 4. The approval of the board of control of Hamilton county was not necessary to give vitality to such appointment. State ex rel. Attorney-General v. Brewster, 44 Ohio St., 589. Owen, J.

SEC. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years.

SEC. 4. Township officers shall be elected by the electors of each township at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified. [As amended October 13, 1885; 82, v. 449.]

The act of May 19, 1894, 91 O. L., 338, changing the commencement of the term of office of county commissioners, was, when passed, invalid by reason of the resulting vacancy from the first Monday in January to the third Monday in September in the years 1895, 1896 and 1897, to be filled by

appointment and not by election, such vacancies were filled by appointment, without objection, on the part of the State or any citizen, and no action was brought to test the validity of the statute, or to oust from office anyone who was filling such vacancy, until more than a year after all such vacancies had expired. *Held*, that it was then too late to test the validity of the statute by proceeding in *quo warranto*, and that the term of office of each county commissioner now in office, must be regarded and held to have commenced on the third Monday of September next after his election. State ex rel. Attorney-General v. Brown, 60 Ohio St., 499. Burket, J.

SEC. 5. No money shall be drawn from any county or township treasury, except by authority of law.

The board of county commissioners has no powers, under the Constitution and laws of Ohio, to employ an attorney to prosecute criminal complaints before the examining magistrates of the county, except in cases in which the county, in its quasi corporate capacity, has a direct interest. Nor can the board of commissioners be compelled, by mandamus, to pay for such services out of the county treasury. State v. Com. of Franklin Co., 21 Ohio St., 648.

SEC. 6. Justices of the peace, and county and township officers, may be removed in such manner, and for such cause, as shall be prescribed by law.

SEC. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation for police purposes, as may be prescribed by law.

The construction of drains by townships, in cases where the public health, convenience, or welfare demands it, is within the meaning of "police purposes." Sessions v. Crunton, 22 Ohio St., 349.

ARTICLE XI.

APPORTIONMENT.

SECTION 1. The apportionment of this state for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the house of representatives, for the ten years next succeeding such apportionment.

"The apportionment of the State must be regarded as made by the convention, and none the less so because the approval of the people was made necessary to its ultimate effect. They but ratified and approved an act already done by their representatives in convention, and were not, in any correct sense, the authors of the act itself." State v. Dudley, 1 Ohio St., 437-442 —Ranney, J.

"The Constitution apportions political powers amongst the inhabitants of the State, as nearly equal as possible in proportion to numbers, without any regard whatever to property, or, indeed, to any other circumstance. Inhabitants alone are represented; a given number in one place exercise the same political power, as a like number in any other locality. Some departure from the absolute equality of numbers is allowed in favor of the inhabitants of small counties, in the constitution of the house of representatives; but this in no wise changes the basis of representation from population to territory or property." Ib.

SEC. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three representatives, and so on, requiring after the first two, an entire ratio for each additional representative.

SEC. 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period: if there are two ratios, a representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

SEC. 4. Any county forming with another county, or counties, a representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative; but no such change shall be made except at the regular decennial period for the apportionment of representatives.

SEC. 5. If, in fixing any subsequent ratio, a county, previously entitled to separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it, having the least number of inhabitants; and the representation of the district, so formed, shall be determined as herein provided.

SEC. 6. The ratio for a senator shall forever, hereafter, be ascertained, by dividing the whole population of the state by the number thirty-five.

SEC. 7. The state is hereby divided into thirty-three senatorial districts, as follows: The county of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto and Jackson, the seventh; Lawrence, Gallia, Meigs and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign and Madison, the eleventh; Miami, Darke and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky and Ottawa, the thirtieth; Seneca, Crawford and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam, the thirty-third. For the first decennial period, after the adoption of this constitution, each of said districts shall be entitled to one senator, except the first district, which shall be entitled to three senators.

"The whole State is divided into districts, and the limits of each clearly and definitely fixed. These limits were, in every instance, described by county lines, as they existed when the Constitution was adopted by the convention—the boundaries of counties being referred to and adopted, from convenience and propriety, as the boundaries of districts; and thus making the limits of each district as certain as though it had been marked out by natural or artificial objects. While the counties remained as they then were, of course no one of them could be divided so as to fall into different districts. But while the boundaries of counties, to a certain extent, and districts, were fixed upon the same lines, they were yet independnt of each other; so that whatever changes might be made in county limits, the lines of the districts remained as before, subject only to such changes as are provided for in the Constitution itself." State v. Dudley, 1 Ohio St., 437-443—Ranney, J.

SEC. 8. The same rules shall be applied in apportioning the fractions of senatorial districts, and in annexing districts, which may hereafter have less than three-fourths of a senatorial ratio, as are applied to representative districts.

SEC. 9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

SEC. 10. For the first ten years after the year one thousand eight hundred and fifty-one, the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation as herein established, or in the senatorial districts, except as above provided. All territory belonging to a county at the time of any apportionment shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

"The exceptions contained in this section refer to the eighth and ninth sections. . . . The provisions of this section irrevocably fix the districts, and apportion the representation for ten years. At the expiration of that period other sections of the eleventh article direct specifically in what manner the executive officers, charged with the duty, shall ascertain and fix it for another period of ten years. It is manifest that no change, alteration, or modification of the representative districts is allowed between the periods of decennial apportionment; unlike the senate districts, they are not to forever remain unchanged. On the contrary they must, of necessity, at the expiration of each ten years, so change as to conform to the boundaries of counties, as they are then found to exist; and the limits of districts at those periods

become identical with those of counties." State v. Dudley, 1 Ohio St., 437-444, 446, 447—Ranney. J,

SEC. 11. The governor, auditor and secretary of state, or any two of them, shall, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be directed by law.

1. Where the governor, auditor and secretary of State, or a majority of them, as the board created by section 11, of article 11, of the Constitution, for the decennial apportionment of the State for members of the general assembly, have made an apportionment, they cannot be required by mandamus, or otherwise, to make another apportionment, unless the apportionment as made so far disregards the principles prescribed by the Constitution as to warrant the court in saying that it is no apportionment, and should be treated as a nullity.

2. The apportionment made by the board, concurred in by the auditor and secretary of State, at the session of the board held April 12, 1891, does not violate any of the principles prescribed by the Constitution, and is a valid apportionment. State ex rel. v. Campbell, 48 Ohio St., 435. In Mandamus.

JUDICIAL APPORTIONMENT.

SEC. 12. For judicial purposes, the state shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold separate courts or separate sittings of the same court at the same time.

The counties of Butler, Preble and Darke shall constitute the first subdivision; Montgomery, Miami and Champaign the second; and Warren, Clinton, Greene and Clark, the third subdivision of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union and Marion, shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry and Fulton, the second; and Wood, Seneca, Hancock, Wyandot and Crawford, the third subdivision of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron, shall constitute the first subdivision; Lorain, Medina and Summit, the second; and the county of Cuyahoga, the third subdivision of the fourth district; and, together, shall form such district.

The counties of Clermont, Brown and Adams shall constitute the first subdivision; Highland, Ross and Fayette, the second; and Pickaway, Franklin and Madison, the third subdivision of the fifth district; and, together, shall form such district.

The counties of Licking, Knox and Delaware, shall constitute the first subdivision; Morrow, Richland and Ashland, the second; and Wayne, Holmes and Coshocton, the third subdivision of the sixth district; and, together, shall form such district.

The counties of Fairfield, Perry and Hocking, shall constitute the first subdivision; Jackson, Vinton, Pike, Scioto and Lawrence, the second; and Gallia, Meigs, Athens and Washington, the third subdivision of the seventh district; and, together, shall form such district.

The counties of Muskingum and Morgan, shall constitute the first subdivision: Guernsey, Belmont and Monroe, the second; and, Jefferson, Harrison and Tuscarawas, the third subdivision, of the eighth district, and, together, shall form such district.

The counties of Stark, Carroll and Columbiana, shall constitute the first subdivision; Trumbull, Portage and Mahoning, the second; and Geauga, Lake and Ashtabula, the third subdivision of the ninth district; and, together, shall form such district.

SEC. 13. The General Assembly shall attach any new counties that may hereafter be erected to such districts or subdivisions thereof as shall be most convenient.

"This section very clearly applies to any new county erected after the adoption of the Constitution by the convention. This construction does not require any effect to be given to the Constitution before the first of September, but after it has taken effect, it directs the general assembly what to do with counties erected after the tenth of March, or, in other words, it imperatively requires the general assembly, acting under the Constitution to attach all counties created after that date to some convenient district and subdivision." State v. Dudley, 1 Ohio St., 437-449 450—Ranney, J.

ARTICLE XII.

FINANCE AND TAXATION.

SECTION 1. The levying of taxes by the poll is grievous and oppressive; therefore, the General Assembly shall never levy a poll tax for county or state purposes.

The sum demanded for license to pursue an employment, when used as a means of supplying the public treasury, is a tax on such employment. Mays v. Cincinnati, 1 Ohio St., 268; Cincinnati v. Bryson, 15 Ohio St., 625; Cincinnati v. Buckingham, 10 Ohio, 257-261; State v. Proudfit; State v. Hibbard, 3 Ohio St., 63.

The fourth section of the act of March 31, 1864, "to organize and discipline the militia of Ohio" (61 v. 110), which provides that "all persons subject to military duty, and who are not members of some volunteer organization, shall either become members of some volunteer organization or shall pay into the county treasury annually the sum of four dollars, which sum shall be a commutation for fines and penalties for neglect to perform military service," etc., is not in conflict with this section. Such commutation is not a tax, but is only a means or instrumentality, by which the general assembly enforces, to the extent deemed necessary, the performance of military duty enjoined by Art. IX, § 1. Houston v. Wright, 15 Ohio St., 348.

SEC. 2. Laws shall be passed taxing[1] by a uniform rule all moneys, credits,[2] investments in bonds, stocks,[3] joint stock companies, or otherwise; and also all[4] real and personal property[5] according to its true value in money[6]; but burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose,[7] and personal property to an amount not exceeding in value two hundred dollars, for each individual may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property so exempted shall, from time to time, be ascertained and published, as may be directed by law.[8]

[1] "The power of taxation is included in the legislative power. In our former Constitution it was limited in one particular—the prohibition of a poll tax. In the present it is regulated or limited in other particulars. This section is not a grant of power, but a regulation of the power already granted in the first section of the second article. The expression is 'laws shall be passed'; not that the general assembly shall have power to pass. So of every provision of the twelfth article, they either prohibit or regulate the exercise of the power of taxation in specified instances." Baker v. Cincinnati, 11 Ohio St., 534-543—Gholson, J.

Assessments are not embraced within the meaning of the word "taxing" in this section. Reeves v. Treas. Wood Co., 8 Ohio St., 333; Thompson v. Wood Co., 11 Ohio St., 678. See Art. XIII, § 6, Note 3.

In a case involving the construction of the provisions of the act relating to the taxes for road purposes, it was said: "We need not determine whether the commissioners are required or permitted to expend any portion of the tax in Lima. They have exclusive power over the fund.....The people of the whole county are supposed to have an interest in the public highways. The particular condition of things which called for the imposition of the tax is unknown to us, but we are bound to assume it justified a levy on all the taxable property of the county; and we are not warranted in saying that it would be a violation of the Constitution to tax the citizens of Lima, in common with the people throughout the county, for the repair of roads on which the prosperity of the corporation may largely depend." Lima v. McBride, 34 Ohio St., 338-351—Okey, J.

[2] The Constitution permits no deduction of liabilities from moneys and credits. Exchange Bank v. Hines, 3 Ohio St., 1; Ellis v. Linck, Ib., 66; Latimore v. Morgan, 6 Ohio St., 279.

[3] The State has power to tax shares in the national banks located in Ohio, subject to the limitations that such tax shall not exceed the rate imposed upon other moneyed capital, nor individuals, nor that imposed upon shares in the State banks, as provided in the act of Congress of June 3, 1864. Frazier v. Sieburn, 16 Ohio St., 614.

The shares in national banks thus to be taxed are to be understood as the individual property or choses of the stockholders, as contra-distinguished from aliquot parts of the capital and property of the bank, and as such, may be taxed at their full value, without deduction for franchise, for real estate otherwise taxed, or for untaxable bonds owned by the bank. Ib.

[4] The property of every person, however absolute the tenure by which it is held, must be liable to bear an equal and just proportion of the public burdens, by way of taxation, in return for the protection and advantages offered by the government, and that proportion of taxation must be determined by the legislative power, which extends to all persons and property within the State. Toledo Bank v. Bond, 1 Ohio St., 623.

All exemptions of any part of the property in a municipal corporation, otherwise subject to taxation, from contributing to the general revenue fund, are in conflict with this section. Zanesville v. Richards, 5 Ohio St., 589.

The fact that property subject to taxation has not been listed, although it improperly increases the burden of taxation on the property that is listed, does not render the tax wholly void, or authorize the interference of a court of equity. Exchange Bank v. Hines, 3 Ohio St., 1.

[5] An express direction to impose a tax on all property by a uniform rule does not necessarily exclude taxation upon that which is not property, or cover the whole ground included within the limits of the taxing power. Zanesville v. Richards, 5 Ohio St., 589-593; Baker v. Cincinnati, 11 Ohio St., 540; Cin. Gas L. & C. Co. v. State, 18 Ohio St., 243.

A license cannot be regarded as property of any description, and consequently is not subject to taxation under this section. But a charge may

be exacted for it. Although authority to exact payment for a license is not expressly conferred in the Constitution, yet the exercise of the power not being prohibited, and not being inconsistent with any constitutional provisions, the general assembly may lawfully confer such power. Exchange Bank v. Hines, 3 Ohio St., 1; Baker v. Cincinnati, 11 Ohio St., 534; Cin. Gas L. & C. Co. v. State, 18 Ohio St., 248

The provisions of this article are not grants of power to the legislature, but limitations and restrictions on the general powers conferred by Article II, section 1. West. Union Tel. Co. v. Mayer, 28 Ohio St., 521.

The privilege that a foreign corporation enjoys, by legislative consent, of exercising its corporate powers, and of carrying on its business within the State, is not property within the meaning of this section. Ib.

[6] Choses in action are to be listed at their true value. If a note, for instance, is wholly worthless, it is not to be listed at all; if it is of some value, but less than its face, it is to be listed at what it is worth. Exchange Bank v. Hines, 3 Ohio St., 1.

[7] In this section, the word "public" is used, in some instances, to describe the ownership of property, and in others, as descriptive of the use to which the property is applied; and the term "public school houses" means such school houses as belong to the public, and are designed for schools established and conducted under public authority. Gerke v. Purcell, 25 Ohio St., 229.

Schools established by private donations, and conducted for the benefit of the public, and not with a view to profit, are "institutions of purely public charity," and such school property may be exempted from taxation without reference to the manner in which the title thereto is held, or the form or character of the organization conducting the school. Ib.

The power to exempt from taxation "houses used exclusively for public worship," implies the power to so exempt such grounds as are reasonably necessary for the use of such houses; but the use must be the same, and therefore a parsonage on grounds adjoining a church, which is used as a residence, cannot be exempted from taxation. Ib.

[8] This section is equally applicable to, and furnishes the governing principle for, all laws levying taxes for general revenue, whether for State, county, township, or municipal purposes. Zanesville v. Richards, 5 Ohio St., 589; Hill v. Higdon, 5 Ohio St., 243; Reeves v. Treas. of Wood Co., 8 Ohio St., 333; Baker v. Cincinnati, 11 Ohio St., 534; Cin. Gas L. & C. Co., v. State, 18 Ohio St., 237.

Section three of the act of April 6, 1869, "for the inspection of gas meters," etc. (68 v. 164), providing that the salary of the inspector of gas meters and illuminating gas shall be paid by the several gas-light companies in this State, in amounts proportionate to their appraised valuation, is not in conflict with this section. Cin. Gas L. & C. Co. v. State, 18 Ohio St., 237.

1. The erection of an armory for the use of the national guard is a general purpose of the State, and taxes to be devoted to that purpose must, in obedience to the requirement of section 2, article 12 of the Constitution, be levied by a uniform rule upon all the taxable property within the State.

2. The act of April 27, 1893, (Local Laws, vol. 90, p. 115), entitled "an act to authorize the commissioner of any county containing a city of the first class, second grade, to borrow money and issue bonds therefor, for the purpose of building and furnishing a central armory in any such city for the use of the Ohio national guard, and procuring a site therefor" is void, being an attempt to make such general purpose the subject of a local imposition. (Wasson et. al. v. The Commissioners, 49 Ohio St., 622, followed and approved.) Hubbard, Treasurer v. Fitzimmons, 57 Ohio St., 436. Shauck, J.

1. Where, upon each side of a proposed free turnpike road, unconnected therewith, and within less than two miles thereof, there runs an unimproved state or county road, and the road commissioners fix the bounds of the turnpike road to the full extent of one mile on each side of the same, section 4786, of the Revised Statutes, so far as it provides that, in taxing territory between the turnpike road and the state or county roads, extra taxes shall only be levied upon such lands and personal property as lie within one half the distance of such roads, is not in conflict with section 2, of article 12, of the Constitution, which, with certain specific exceptions, requires all real and personal property to be taxed by a uniform rule, and according to its true value in money.

2. For the purpose of defraying the expenses of constructing and maintaining a free turnpike road, a special taxing district of one mile on each side of such road, may be established under the above section of the Revised Statutes, and the bounds of such district may be reduced, where an unimproved state or county road, unconnected with the turnpike road, runs upon either side thereof, within less than two miles. Carlisle v. Hetherington, 47 Ohio St., 235. Dickman, J.

1. The act to amend and supplement sections 2777, 2778, 2779 and 2780, of the Revised Statutes of Ohio, passed April 27, 1893, (90 Ohio Laws, 330), and known as the Nichols Law, is not in conflict with section 2 of article XII of the Constitution, which provides that "Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money," and is a valid law.

2. The act of April 27, 1893, is not in violation of section 16 of article 1 of the Constitution, which provides that "All courts shall be open, and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law," nor in violation of the 14th amendment of the Federal Constitution, which provides that no "State shall deprive any person of life, liberty, or property without due process of law." State ex rel. v. Jones, Auditor, 51 Ohio St., 492. Dickman, C. J.

1. A law which provides for the location and construction of an institution to be controlled wholly by a board appointed by the Governor, and for the furnishing of information to the people of the State at large, as to the work of such institution, exclusively, by the board and State officers at the expense of the State, is a law of a general, and not a local, character, notwithstanding incidental benefits may accrue to property near such institution, by reason of its location, and money raised by taxation for the purchase of a site and the construction of buildings is general revenue for the State.

2. Under section 2, of article 12, of the Constitution, which provides that "laws shall be passed, taxing by a uniform rule, all moneys, credits, * * * and also all real and personal property, according to its true value in money," all taxes for general revenue for the State must be levied by a uniform rule upon all the taxable property within the State.

3. The act of April 23, 1891, which attempts to authorize any county of the State to raise money to secure the location therein of the Ohio Agricultural Experiment Station, by a tax upon all taxable property within such county, is in contravention of section 2, of article 12, of the Constitution, and is therefore void. Wasson et al. v. Commissioners, 49 Ohio St., 622. Spear, C. J.

1. Subdivision 16, section 2737, of the Revised Statutes of Ohio, which provides that the statement of each person required to list property, shall set forth "the monthly average amount or value for the time he held or controlled the same, within the preceding year, of all moneys, credits, or other effects, within the time invested in, or converted into bonds or other securities of the United States," is not in conflict with section 3701 of the Revised Statutes of the United States, which provides that "all stocks, bonds, treasury notes and other obligations of the United States, shall be exempt from taxation by, or under State, municipal or local authority."

2. The method provided in subdivision 16 of section 2737, for estimating the taxable value of property converted during the year into non-taxable securities, is not in conflict with section 2, of article XII, of the Constitution of this State, which require that laws shall be passed taxing all property by a uniform rule, according to its true value in money. Shotwell v. Moore, 45 Ohio St., 632. Dickman, J.

1. Under the second section of the statute of May 14, 1886, known as the Dow law (83 Ohio L., 157), a valid lien is created upon the real property, when the tenant holds under a lease, written or parol, made after the passage of the statute.

2. The assessment imposed by the first section of the statute is not in conflict with the second section of the twelfth article of the Constituion.

3. The statute, so far as it provides for an assessment or tax upon the business of trafficking in intoxicating liquors, is not, in effect, a license law, and not within the inhibition of the 18th section of the schedule of the Constitution. Anderson v. Brewster, 44 Ohio St., 576. Dickman, J.

1. Section 18 of the schedule of the Constitution, which provides that "no license to traffic in intoxicating liquors shall hereafter be granted in this State; but the general assembly may, by law, provide against evils resulting therefrom," applies as well to the wholesale as to the retail traffic in intoxicating liquors.

2. Wholesale dealers in intoxicating liquors, who are not manufacturers, are within the terms of the act of the general assembly passed May 14, 1886, "An act to provide against the evils resulting from the traffic in intoxicating liquors," and are liable to the tax therein imposed.

3. Said act, as applied to wholesale dealers in such liquors, is not in conflict with section 2, article 12, of the Constitution, which provides that "laws shall be passed taxing by a uniform rule all moneys" etc., nor with

section 26 of article 2, of the Constitution, which provides that "all laws of a general nature shall have uniform operation throughout the State." Senior v. Ratterman, 44 Ohio St., 661. Spear, J.

SEC. 3. The General Assembly shall provide by law for taxing the notes and bills discounted or purchased, moneys loaned, and all other property,[1] effects or dues, of every description, without deduction,[2] of all banks now existing, or hereafter created, and of all bankers,[3] so that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.[4]

[1] Moneys deposited with a bank or banker, unless specially deposited, become the moneys of the bank or banker, appertaining to the business of banking, and proper to be listed with the other moneys belonging to that business; and this is equally true of general deposits, whether they happen to be used in the discounting of paper, or held in reserve to pay probable current demands. Ellis v. Linck, 3 Ohio St., 66.

Under the 19th section of the tax law of April 13, 1852 (50 v. 135), all the assets and resources of a bank, whether specie or balance in other banks, must, if employed in any manner whereby the bank obtains or reserves a per cent. premium, profit or consideration, be averaged for taxation. Specie unemployed, not on hand for sale, and from which the bank derives no profit, etc., is not required to be returned to the assessor. So balances due from other banks, upon which no interest, profit, or consideration is reserved or received, are not required to be returned to the assessor. Stark County Bank v. McGregor, 6 Ohio St., 45. (See preceding section, Note 3.)

[2] Bankers, although private, cannot deduct their debts from their moneys and credits. Ellis v. Linck, 3 Ohio St., 66. And see Exchange Bank v. Hines, Ib., 1.

[3] Under the act of April 12, 1858 (55 v. 128), a partnership engaged in the business of banking was liable as such to the tax imposed by that act. Robinson v. Ward, 13 Ohio St., 298.

Persons having money employed in the business described in the fifteenth section of the tax law of April 13, 1852 (50 v. 135), are bankers such as are forbidden to make deductions by this section of the Constitution. Ellis v. Linck, 3 Ohio St., 66.

[4] The tax law of April 13, 1852 (50 v. 135), is valid and constitutional in the basis it provides for the taxation of banks, bankers and brokers. The tenth section of that law, which allows individuals and certain corporations, in giving their tax lists, to deduct their liabilities from the amount of their moneys and credits, is repugnant to the Constitution of Ohio, and is void. But that section may be treated as void without affecting the validity of the remainder of the act. The remainder of the act permits no such deduction. Exchange Bank v. Hines, 3 Ohio St., 1, followed and approved in Ellis v. Linck, Ib., 66.

"This section was inserted that there might be no doubt how existing as well as future banks and bankers, whether incorporated or unincorporated, were to be taxed; that there might be no doubt what property of theirs was to be the object of taxation; and further to deprive them of even the two hundred-dollar exemption which may be permitted to individuals under section two. And hence it is that we find in it the words 'without deduction.'" Exchange Bank v. Hines, 3 Ohio St., 1-46—Thurman, J.

1. That part of section 2759, of the Revised Statutes, regulating returns for taxation of unincorporated banks and bankers, which provides that from the aggregate sum of the first five items therein enumerated, the county auditor shall deduct the aggregate sum of the fifth, sixth, seventh, and such portions of the eighth items as are by law exempt from taxation, is not repugnant to either section 2 or section 3, of article 12, of the Constitution, except to the extent of including the entire third item among those from which the deduction is to be made.

2. A deduction under section 2759, of the average amount of all deposits, and of the average amount of accounts payable, exclusive of current deposit accounts, from the average amount of notes and bills receivable, discounted or purchased in the course of business, by such unincorporated banks or bankers, and considered good and collectible, would not be in conflict with either of the above named sections of the Constitution; but, the same deduction from the average amount of cash and cash items in possession, would contravene section 2, article 12, of the Constitution.

3. One part of a section of a statute may be void for want of conformity to the Constitution, without affecting the validity of the remainder, unless the objectionable and unobjectionable portions are essentially and inseparably connected in substance, or are so interdependent that the general assembly would not have enacted one without the other.

4. An unincorporated bank having returned its property for taxation to the county auditor upon a printed blank form furnished it by the auditor for that purpose, in which all its property subject to taxation and the value thereof, were truly stated under the items enumerated in section 2759, the auditor, after making the deductions required by that section, and entering upon the duplicate for taxation the remainder thus obtained, may, under section 1088, of the Revised Statutes, while the duplicate is in the hands of the treasurer for collection, correct an error in the amount of the bank's taxes upon the current duplicate, resulting from an erroneous deduction. Treasurer v. Bank, 47 Ohio St., 504. Dickman, J.

SEC. 4. The General Assembly shall provide for raising revenue sufficient to defray the expenses of the state for each year, and also a sufficient sum to pay the interest on the state debt.

SEC. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

The power of taxation being a sovereign power, can only be exercised by the general assembly when, and as conferred by the Constitution; and by municipal corporations only when unequivocally delegated to them by the legislative body. Mays v. Cincinnati, 1 Ohio St., 268.

The right of taxation, vital to the existence of the every government, and one of the most important incidents of sovereignty, has only been delegated to the general assembly to be used for the purpose of accomplishing the lawful objects with which it is charged. It can only be exercised to raise money for these purposes; and any attempt to use it otherwise, or to control or abridge the right itself, is beyond the delegation, and an unauthorized assumption of power. Debolt v. Ohio Life Ins. and Trust Co., 1 Ohio St., 563; Toledo Bank v. Bond, Ib., 623.

The act of April 15, 1889 (Section 251a Revised Statutes), requiring "every corporation or company operating a railroad or any part of a railroad within this state" to pay to the Commissioner of Railroads and Telegraphs a "fee" of one dollar per mile for each mile of track operated by it within this State, contravenes sections two and five of article twelve of the Constitution of this State. Railway Co. v. State, 49 Ohio St., 189. Bradbury, J.

SEC. 6. The state shall never contract any debt for purposes of internal improvement.

This restriction applies to the State alone, and not to her subdivisions. Cass v. Dillon, 2 Ohio St., 608.

See Article VIII, § 4, Note.

ARTICLE XIII.

CORPORATIONS.

SECTION 1. The General Assembly shall pass no special act conferring corporate powers.

For decisions holding statutes to be in conflict with this section, see Atkinson v. M. & C. R. Co., 15 Ohio St., 21; State v. Cincinnati, 20 Ohio St., 18; State v. Cincinnati, 23 Ohio St., 445; State v. Mitchell, 31 Ohio St., 592.

For decisions holding certain statutory provisions not to be in conflict with this section, see Foster v. Wood Co., 9 Ohio St., 540; Penn. & Ohio Canal Co. v. Portage Co., 27 Ohio St., 14; State v. Covington, 29 Ohio St., 102.

And see § 6 of this article. Note 2.

This section in its terms merely prohibits future special legislation conferring corporate powers, and does not, expressly or by implication, abrogate former legislation of that character. Citizens' Bank v. Wright, 6 Ohio St., 318; State v. Roosa, 11 Ohio, 16-25; State v. Union Tp., 8 Ohio St., 394-400.

1. A classification of cities for the purpose of legislation based on population, and so that other cities enter and become members of a particular class without the aid of additional legislation, conforms to the requirement of the Constitution, that the general assembly shall provide for the organiza-

tion of cities and villages by general laws, as determined by a long line of decisions of this court, and on the ground of *stare decisis*, should not be disturbed.

2. A statute made applicable to a particular class so formed, though it confer corporate powers, is not a special act, within the meaning of section one, article thirteen of the Constitution.

3. All doubts should be resolved in favor of a statute classifying cities, that has stood for a number of years without challenge, and cities have conformed their government to it; and where to declare it invalid, would necessarily result in great public inconvenience.

4. If, in the formation of a class, an exception is made that is invalid, because the legislature had no power to make it, the exception alone will be treated as invalid, and the class sustained, where that will most likely give effect to the prevailing purpose of the legislature. State ex rel. v. Baker, 55 Ohio St., 1. Minshall, J.

1. An amended section of a statute takes the place of the original section, and must be construed with reference to the other sections, and they with reference to it; the whole statute, after the amendment, has the same effect as if re-enacted with the amendment, and hence, an unconstitutional statute may be amended into a constitutional one, so far as its future operation is concerned, by removing its objectionable provisions, or supplying others to conform it to the requirements of the Constitution.

2. The act of April 13, 1893, amended April 24, 1893, authorizing cities of the first grade of the first class to annex contiguous municipalities of other grades and classes, is a subsisting and constitutional law.

3. It is not a valid objection to the statute, or to annexation under it, that a municipal corporation may be so annexed without the consent of its constituted authorities, or of its inhabitants; nor, that the taxable property within such municipality will become subject to taxation for the payment of previously incurred indebtedness of the city to which the annexation shall be made.

4. The statute does not require that, at the election held to determine whether annexation shall be made, the question be so submitted that the electors of each municipality sought to be annexed may vote for or against its annexation; nor is it essential to the annexation, that a majority of the votes cast by the electors of any such municipality shall be in favor of it. The question to be voted upon, is whether all of the municipalities included in the proceeding shall be annexed, when it is sought to annex more than one, and the proposition is deemed carried if a majority of the aggregate vote cast be in favor of annexation. State ex rel. v. Cincinnati, 52 Ohio St., 419.

1. The act of February 9, 1893, entitled "An act to authorize and direct the commissioners of Hamilton county to widen and improve the Montgomery road from the north corporation line of Cincinnati to the Plainfield road, and for other purposes," is a special act.

2. That clause of the act which assumes to authorize the councils of the villages of Norwood and Pleasant Ridge to nominate and recommend to the commissioners two freeholders to act as trustees in the making of the contemplated improvement, is an attempt to confer upon such municipalities

corporate power, and is in conflict with section 1, of article 13, of the Constitution, which provides that, "the general assembly shall pass no special act conferring corporate power."

3. As it appears that the purposes of the act cannot be accomplished without the exercise of the power referred to, the entire act is inoperative. Commissioners v. State ex rel., 50 Ohio St., 653. Spear, J.

The act of March 25, 1891, entitled "An act to supplement section sixteen hundred and seventy-two, sixteen hundred and seventy-five, and sixteen hundred and seventy-six, of the Revised Statutes," (88 Ohio Laws, 197), which provides, among other things, that in cities of the third grade of the second class, having a population at the eleventh federal census of seventeen thousand five hundred and sixty-five, one member of the council at large shall be elected annually, who shall be president of the council and appoint all standing committees, applies only to the city of Hamilton, and is in conflict with section one of article thirteen of the Constitution of this State, and void. State ex rel. v. Schwab, 49 Ohio St., 229. By the Court.

1. The act of May 4, 1891 (88 O. L., 593), entitled "An act relating to certain cities of the fourth grade of the second class," is in conflict with section one of article 13 of the Constitution of this State, and is therefore void.

2. An action against a county treasurer for the purpose of enjoining the collection of taxes, is in its nature against the office, rather than against the person filling such office. In case of a change of incumbent, the action may proceed as commenced, or the new treasurer may be substituted.

3. In an action to enjoin the collection of taxes levied under an unconstitutional act, the payment of such taxes after the dissolution of the injunction on final hearing, does not prevent the plaintiff from prosecuting error to test the validity of the act, when by its provisions other taxes are to be levied for one or more years. Railway Co. v. Martin, Treas., 53 Ohio St., 386. Burket, J.

The act of March 26, 1886, supplementary to section 1707 of the Revised Statute (83 Ohio Laws, 43), is invalid, for the reason that the act is special and not general, inasmuch as the powers there conferred on cities having at the last federal census a population of 16,512, and no more, simply designates the city of Akron, and does not create a class, as Akron was the only city at that census having that population; and as the act confers corporate powers, it is in violation of section 1, article 13, of the Constitution. State ex rel. Attorney-General v. Anderson, 44 Ohio St., 247. By the Court.

1. The act of the general assembly passed April 3, 1885, (82 Ohio L., 101-111), conferring certain corporate powers on cities of the first grade of the first class, is one of a general and not of a special, nature, and, therefore, not in conflict with article 13, section 1, of the Constitution, prohibiting the passage of special acts conferring such powers.

2. The power conferred on the governor of the state by section 1872, of the Revised Statutes, as amended by said act, to remove any members of the board of police commissioners, is administrative, and not judicial, in its nature, and, therefore, not in conflict with article 4, section 1, of the constitution, conferring judicial power on the courts of the state.

3. Where charges, embodying facts that, in judgment of law, constitute official misconduct, are preferred to the governor, of which notice is given to members charged, and he, acting upon the charges so made, removes them from office, his act is final, and cannot be reviewed, or held for naught in this court, on a proceeding in *quo warranto*, whether he erred or not in exercising the power so conferred on him.

4. A police commissioner, removed from office by the governor for official misconduct, as provided in section 1872 of the Revised Statutes, as amended April 3, 1885, does not, under section 1542 of said statutes, hold over until his successor is elected and qualified. When removed from his office he ceases to be an officer, and cannot, therefore, hold over as such. State ex rel. Attorney-General v. Hawkins, 44 Ohio St., 98. Minshall, J.

SEC. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed.

On March 22, 1850, prior to the adoption of this Constitution, the general assembly passed a special act incorporating the Cincinnati, Lebanon and Xenia Railroad Company, authorizing commissioners therein named to open books, receive subscriptions to capital stock, and thereupon to organize a corporation under it. No steps were taken by the commissioners toward such subscription and organization until after this Constitution took effect, but such subscriptions were made and organization effected within the period limited by the special act for that purpose. Held: 1. That the special act was not abrogated or repealed by this section of the Constitution. 2. This section is prospective and not retrospective, in its intent and application conferring merely an authority to legislate, and does not repeal unaccepted acts of incorporation enacted under the Constitution of 1802. State v. Roosa, 11 Ohio St., 16; C., W. & Z. R. R. Co. v. Com. of Clinton Co., 1 Ohio St., 77; Cass v. Dillon, 2 Ohio St., 607–623; Citizens' Bank v. Wright, 6 Ohio St., 318; State v. Van Horn, 7 Ohio St., 327; State v. Union Tp., 8 Ohio St., 394–400; Com. of Knox Co. v. Nichols, 14 Ohio St., 260; Fosdick v. Perrysburg, Ib., 472.

Consolidated Railroad Companies organized in pursuance of the act of 1856 (53 v. 143), are corporations formed under a general law within the meaning of this section, and as such are subject to the limitations and reservations contained therein, and in Article I, section 2; and the general assembly may alter and regulate rates of fare chargeable by such companies. Shields v. State, 23 Ohio St., 86.

A county is not properly a corporation, but is at most but a local organization, for the purpose of civil administration, is invested with a few functions characteristic of a corporate existence. C., W. & Z. R. R. Co. v. Com. of Clinton Co., 1 Ohio St., 77–89; Com. of Hamilton Co. v. Mighels, 7 Ohio St., 109; Hunter v. Com. of Mercer Co., 10 Ohio St., 520; State v. Cincinnati, 20 Ohio St., 18–37; Boalt v. Com. of Williams Co., 18 Ohio St., 13–16.

Where a corporation, in pursuance of an act of the legislature, transfers or conveys its franchise to be a corporation to others, the transaction, in legal effect, is a surrender or abandonment of its charter by the corporation,

and a grant of the legislature of a similar charter to the transferees or purchasers; and the charter so granted is subject to all the provisions of the Constitution existing at the time it is so granted. State v. Sherman, 22 Ohio St., 411.

The act of April 4, 1863 (60 v. 54), authorizing the purchasers of the property of a railroad company to acquire the franchise to be a corporation by deed from the company, is a general law within the meaning of this section of the Constitution. Ib.

But a deed made by such company to corporation of another State, which corporation had become the assignee of property sold as contemplated in said act, without any new organization, or taking of stock, under the deed, or as a corporation of Ohio, does not constitute the foreign corporation, or its members an Ohio corporation, and in so far as said act may assume to create them such, it is unconstitutional for the reason that it does not secure the individual liability of the stockholders. Ib.

SEC. 3. Dues from corporations shall be secured, by such individual liability of the stockholders, and other means, as may be prescribed by law; but in all cases each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock.

The legislature has no power, under the present Constitution of Ohio, to create corporations without securing the individual liability of their stockholders, at least to the minimum amount required by the Constitution; and if the act of incorporation does not secure this, either by express provision, or by requiring from the corporators or stockholders such acts of organization or otherwise, as will subject them to the constitutional provision the act will be unconstitutional and void. State v. Sherman, 22 Ohio St., 411.

The liability of individual stockholders is collateral to the principal obligation of the corporation, and is to be resorted to by the creditors only in case of the insolvency of the corporation, or where payment cannot be enforced against it by the ordinary process of execution. Wright v. McCormick, 17 Ohio St., 86.

What is a stockholder within this section. Henkle v. Salem Manf. Co., 39 Ohio St., 547, 552.

This section is prospective in its intent and application. Citizens' Bank v. Wright, 6 Ohio St., 318; State v. Roosa, 11 Ohio St., 17.

SEC. 4. The property of corporations now existing or hereafter created, shall forever be subject to taxation, the same as property of individuals.

A corporative franchise, being a mere privilege or grant of authority by the government, is not property of any description, and consequently not subject to taxation. Exchange Bank v. Hines, 3 Ohio St., 1-8; Baker v. Cincinnati, 11 Ohio St., 534-540.

"There was no absolute necessity for this section, for, without it, section two of article twelve would have embraced these corporations." Exchange Bank v. Hines, 3 Ohio St., 146—Thurman, J.

SEC. 5. No right of way[1] shall be appropriated to the use of any corporation[2] until full compensation[3] therefor be first made in money, or first secured by a deposit of money[4] to the owner, irrespective of any benefit[5] from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a court of record[6], as shall be prescribed by law.[7]

[1] The general assembly possesses the constitutional power to confer upon a corporation authorized to construct a railroad, the right to appropriate grounds necessary for its use for a depot. Giesy v. C., W. & Z. R. R. Co., 4 Ohio St., 308.

Where an incorporated company has, by its charter, authority to construct a road between given points, and to appropriate land to the width of sixty feet over which to locate the same, and, when finished, to charge and collect tolls from travelers who pass over it—Held: That after the company has made such an appropriation of land for the purpose of its road, and freeholders have, in accordance with the provisions of the charter, ascertained and determined the owner's damage, it may, within sixty feet of ground used for the road, build a toll-house and dig a well for the accommodation of the toll-gatherer. Ward v. Marietta and Newport Turnpike and Bridge Co., 6 Ohio St., 15.

Any other structure, within the sixty feet, and essential to the carrying out of the object sought by the corporators, and consonant with their charter, may, as an unavoidable and legitimate incident of the powers given them, be placed within the road limits." Ib., 17—Bowen, J.

Under the general corporation act of 1852 (50 v. 274, § § 21, 27, 28), a railroad company has power to condemn land for new side-tracks, leading from the main road to its depot buildings, whenever they become necessary in the proper management and operation of the road. Toledo and Wabash R. R. Co. v. Daniels, 16 Ohio St., 390.

Authority to lay down the necessary structure for a street railway, in a common highway or street, and to run cars thereon for the carriage of passengers for hire, may be lawfully granted to a company incorporated for that purpose, when no private right of adjoining lot owners is thereby impaired. Street Railway v. Cumminsville, 14 Ohio St., 524.

A railroad company authorized to change the location of its track, on account of difficulty of construction and other causes may do so at any time before the construction of its road is completed at that point where the change is made. Atkinson v. M. & C. C. R. R. Co., 15 Ohio St., 21.

But having once located and constructed its road, the company can not re-locate it, and for that purpose appropriate private property. Ib., Morehead v. L. M. R. R. Co., 17 Ohio St., 340.

So where the charter of a railroad company merely fixes a few points through which the road is to pass, from its commencement to its terminus, leaving the location of the road between the points specified to the discretion of the corporation, the railroad company having once located the road, their power to relocate, and for that purpose to appropriate the property of an individual, has ceased. L. M. R. R. Co. v. Naylor, 2 Ohio St., 235.

This same principle applies, whether the case be that of an attempt to re-locate on the property of an individual, or that of using a street or highway for the purpose. Ib.

Grants of corporate power, being in derogation of common right, are to be strictly construed—particularly where the power claimed is a delegation of the sovereign power of eminent domain. Hence, where a railroad company is authorized by law only "to enter upon any land to survey, lay down and construct its road," "to locate and construct branched roads from the main road to any town or places in the several counties through which the said road may pass," to appropriate land for "necessary side-tracks," and "a right of way over adjacent lands sufficient to enable such company to construct and repair its road," and such company has located, and is engaged in the construction of its permanent main road along the north side of a town, it is not authorized to appropriate temporary right of way, for the term of three years, along the south side of the town, to be used as a substitute for the main track while the same is in course of construction along the north side of the town. Currier v. M. & C. R. R. Co., 11 Ohio St., 228.

A railroad company organized under, and made subject to, the provisions of the act "regulating railroad companies," of February 11, 1848 (46 v. 40), is not authorized to condemn private property to its exclusive use solely for the purpose of a wharf. Iron R. R. Co. v. Ironton, 19 Ohio St., 209.

The power given to municipal corporations to condemn private property for a public wharf is an express power; and the right of a railroad company to hold property exempt from the exercise of this power can not be extended, by construction, to lands held by the company for use and purposes for which it is not, by law, authorized to condemn private property. Ib.

[2] Corporate existence, and the right to exercise the power of eminent domain, can only be derived from legislative enactment; and before a company can demand a judgment of condemnation, it must show that both have been conferred upon it by a valid law, and that it has substantially complied with the conditions which the law has annexed to the exercise of the power. Atkinson v. M. & C. R. R. Co., 15 Ohio St., 21; A. & O. R. R. Co. v. Sullivant, 5 Ohio St., 276.

A delegation of the power of eminent domain to a corporation as a necessary means to carry into effect the grant of its franchises, cannot be made the subject of either grant or sale. Coe v. C., P. & I. R. R. Co., 10 Ohio St., 372; Atkinson v. M. & C R. R. Co., 15 Ohio St., 21-36. But see Art. XIII, § 2, Note.

[3] Where a piece or strip of land is by appropriation made by a railroad company, severed from its connection with the other land of the owner, in estimating the compensation to be made to the owner, not only is the abstract value of the strip or piece taken to be considered, but also its relative

value, and the effect arising from its severance from the residue of the owner's land as well as the uses to which it is appropriated. C. & P. R. R. Co. v. Ball, 5 Ohio St., 569.

Where a right of way originally appropriated for one public use is afterward taken for another, the owner of the fee simple title to the lands is entitled to recover a full and fair compensation for such additional burdens and inconveniences, not common to the general public, as accrue to him and his entire tract on which the easement is imposed, by reason of the change of uses to which the lands appropriated have been subjected. Hatch v. C. & I. R. R. Co., 18 Ohio St., 92.

The rightful power of a canal company over the canal, in the absence of any statute or contract to limit it, being exclusive, any use of the waters of the canal for purposes of navigation, or for watering stock by the owner of the fee simple of the lands intersected by it being a matter of sufferance and not of right, the loss of these conveniences by reason of the change of use whereby the canal-bed is transformed into the roadway of a railroad, does not constitute an element to be reckoned in estimating the amount of his compensation. Ib.

Nor is such owner entitled to recover damages on account of increased danger from fire to his buildings or other structures, by reason of such change of use, unless the proximity of his buildings, etc., to the railroad, be such as to render the danger imminent and appreciable. Ib.

When an entire tract of land is cut asunder by an appropriation of an easement upon it by a canal company, for the purpose of a canal and this easement is afterward transferred by the canal company to a railroad company for the purpose of a railroad and the latter, in the construction of its railroad, throws up embankments or excavates cuts across a common public highway, skirting the tract, and constituting the only convenient medium of access between the parcels into which the tract has been thus severed, the increased inconvenience and danger of access thus occasioned between the two parts of the tract are peculiar to the owner of the tract in the use of his property, not common to the public at large, and for this increase of inconvenience and danger he is entitled to compensation. Ib.

See Art. I, § 19, Note 5.

[4]See Art. I, § 19, Notes 5 and 6.

[5]The provisions of article one, section nineteen, and of this section—the one requiring compensation to be made without deduction for benefits, when property is applied to a public use, and the other providing for compensation irrespective of benefits, where it is taken by a corporation for a right of way—are, in legal effect, identical. When taken under either section, its fair market value in cash, at the time it is taken, must be paid to the owner; and the jury, in assessing the amount, have no right to consider or make use of the fact, that it has been increased in value by the proposal or construction of the improvement. Giesy v. C. W. & Z. R. R. Co., 4 Ohio St., 309.

In a proceeding by a railroad corporation for an appropriation of a right of way under the act of April 30, 1852 (50 v. 201), the jury, after allowing for the full value of the land actually appropriated for the right of way, in view of all its uses and relations, without deductions for benefits of any

kind, in their estimate and assessment of the incidental damages accruing to other lands of the owner, cannot legally take into consideration and make allowance for general benefits—or such as accrue to the community and vicinage at large—from the construction of the work proposed. Whether special benefits, or such as accrue directly or solely to the owner of the lands appropriated, may be taken into consideration and allowed for *quere* L. M. R. R. Co. v. Collett, 6 Ohio St., 182.

This question is answered in part by the following notes:

Where compensation is claimed for the location and construction of a railroad between coal mines and a navigable river on the land-owner's premises, whereby the conveniences of the river transportation for the coal to market were injured, or cut off, it is competent for the railroad company to show that the river transportation, in connection with the coal banks, had ceased to be valuable, or become of less value, by means of the facilities for coal transportation afforded by the railroad, for the purpose of reducing the damages. C. & P. R. R. Co. v. Ball, 5 Ohio St., 568.

In case of a railroad appropriation for a right of way through a tract of land, causing incidental and local injury to the residue of the tract, although general resulting benefits from the railroad to the value of such residue of the land cannot be taken into account in estimating the amount of compensation to be paid to the owner, yet, where a local incidental benefit to the residue of the land is blended or connected, either in locality or subject-matter, with a local incidental injury to such residue of the land, the benefit may be considered in fixing the compensation to be paid the owner, not by way of deduction from the compensation, but of showing the extent of the injury done the value of the residue of the land. Ib.

But in assessing the compensation for a local incidental injury to the residue of the owner's tract of land, arising from the appropriation of the right of way, and construction of a railroad, whether a local incidental benefit arising from the railroad structure to the residue of the tract, but not connected either in locality or subject-matter with the injury, can be taken into the account in estimating the compensation for the damages, *quere.* Ib.

See Art. I, § 19, Note 8.

• "It had been held in Willyard v. Hamilton, 7 Ohio, 2 pt., 115, that the value of property taken for public uses might rightfully be assessed by commissioners, it not being a case for trial by jury, secured by the Constitution, and that the proceeding need not be had in a court of justice. The reason why it was not secured by the Constitution was, that it had never been so regarded in England or this country prior to the adoption of that instrument. This course of proceeding by commissioners, had been much complained of as unjust and oppressive to the owner of the property; and to make at once a proceeding within the protection of the Constitution, and to be pursued in a court of justice with common law jury, this section was inserted, when the Constitution was revised. It intended to afford the party the same protection as in other cases of jury trial, no more and no less." Work v. State, 2 Ohio St., 296-307—Ranney, J.

See Art. I, § 19, Note 7.

[7] If a statute confer authority, as upon a company to construct works of public interest, or upon city authorities to improve streets, and provide the mode of rendering satisfaction or obtaining compensation, that mode must be followed. L. M. R. R. Co. v. Whitacre, 8 Ohio St., 500; Hueston v. E. & H. R. R. Co., 4 Ohio St., 685; Akron v. McComb, 18 Ohio, 229.

But a rule of compensation and a mode of ascertaining it, presribed by a law passed prior to the adoption of the present Constitution, was abrogated by it, and a new rule and mode of compensation thereby prescribed. Perrysburg C. & H. Co. v. Fitzgerald, 10 Ohio St., 513.

1. It is not competent to the general assembly to authorize the commissioners of a particular county to widen, extend and improve a certain road in a prescribed manner, one-half the costs and expenses to be assessed on lands within a prescribed limit, according to benefits, and the other half to be levied on the general taxpayers of the county, without the request or consent of any of the parties to be assessed. The exercise of such power over the affairs of a county is administrative in character, and not legislative; and the act is, for such reason, invalid.

2. Where, by a special act, the commissioners of a particular county are authorized to extend and improve a certain road according to a particular plan, and certain villages are, likewise, authorized to dedicate their property to the county in furtherance of the plan, and the power to so dedicate is an integral part of the plan, the act is invalid, for the reason that it confers corporate power on such villages. State ex rel. v. Commissioners, 54 Ohio St., 333. Minshall, J.

SEC. 6. The General Assembly shall provide for the organization of cities and incorporated villages,[1] by general laws,[2] and restrict their power of taxation,[3] assessment,[4] borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.[5]

[1]The general act of May 3, 1852 (50 v. 223), "to provide for the organization of cities and incorporated villages," did not annihilate and recreate the municipal corporations of the State, but recognized and continued them, leaving their corporate identity unaffected. Fosdick v. Perrysburg, 14 Ohio St., 473.

The power of creating municipal corporations necessarily implies authority to confer upon them such police powers as may be necessary for their internal government; and a resolution of a city council requiring lots, on which is stagnant water, to be filled up, being a reasonable sanitary measure for preserving the health of the inhabitants, is not in conflict with the Constitution. Bliss v. Kraus, 16 Ohio St., 54.

Proceedings to annex contiguous territory to the corporate limits of a town, in pursuance of the fourteenth section of the act to provide for the organization of cities and incorporated villages (50 v. 223), are not in contravention of the provisions of the Constitution. Powers v. Com. of Wood Co., 8 Ohio St., 285; Blanchard v. Bissell, 11 Ohio St., 96.

[2] Under the restrictive and mandatory provisions of this and the first section of this article, the general assembly cannot, by a special act, confer additional powers on a corporation already existing; and in the purview and application of the provisions of these sections, there is no distinction between private and municipal corporations. State v. Cincinnati, 20 Ohio St., 18.

The act of April 16, 1870 (67 v. 141), "to prescribe the corporate limits of Cincinnati," is a special act. It assumes to confer upon the corporation of that city additional powers; to confer on certain conditions, the power of municipal government, the power of police regulation, the power of judicial jurisdiction, and of assessment and taxation, over a number of outlying incorporated suburban villages and other territory not before within the limits of the city; and is therefore repugnant to the Constitution, and of no binding force and validity. Ib.

[3] It is well settled in this State, by repeated adjudications, that, independent of constitutional prohibition, it is within the legitimate scope of the legislative power to authorize a city to aid in the construction of railroads or other public improvements in which such city has a special interest, and to impose taxes upon its citizens for that purpose. Walker v. Cincinnati, 21 Ohio St., 14; and see numerous authorities there cited.

It follows that it is equally competent for the legislature to authorize the entire construction of such improvements by a city having a special interest therein, and to empower the local authorities to provide means therefor by the taxation of the citizens. Ib.

Where the authority given is to construct a line of railroad having one of its termini in such city, it does not affect the question of power, that the road when constructed will lie mainly outside of the State of Ohio. It is the corporate interest of the municipality which determines her right of taxation, and not the location of the road, which may well be constructed with the consent of the State into or through which it may pass. Ib.

Taxation can only be authorized for public purposes. Where, therefore, a statute authorizes a county, township or municipality to levy taxes not above a given per cent. on the taxable property of the locality, for the purpose of building so much of a railroad as can be built for that amount, and the part of a railroad to be built can be of no public utility unless used to accomplish an unconstitutional purpose, such tax is illegal, and cannot be imposed. Taylor v. Com. of Ross County, 23 Ohio St., 22.

The power vested in the general assembly under this section to restrict the powers of taxation and assessment by municipal corporations is subject to the limitations imposed by article I, section 10, of the Constitution of the United States, which declares that "no State shall pass any law impairing the obligations of contracts," and of article II, section 28, of the State Constitution. Goodale v. Fennell, 27 Ohio St., 426.

[4] Legislation authorizing cities and villages to levy special assessments for the purpose of improving streets upon real property peculiarly and specially benefitted, is not repugnant to the Constitution. And such assessment may be made upon the property abutting on such streets, in proportion to the number of feet front abutting thereon. Bonsall v. Lebanon, 19 Ohio 418; Scovill v. Cleveland, 1 Ohio St., 126; Hill v. Higdon, 5 Ohio St., 243;

Marion v. Epler, Ib., 250; Ernst v. Kunkle, Ib., 520; Reeves v Treas. of Wood Co., 8 Ohio St., 333; Foster v. Com. of Wood Co., 9 Ohio St., 540; N. I. R. R. Co. v. Connelly, 10 Ohio St., 159; Maloy v. Marietta, 11 Ohio St., 636; Creighton v. Scott, 14 Ohio St., 438; State v. Com. of Warren Co., 17 Ohio St., 558.

Such assessments may be levied by the acre. Foster v. Com. of Wood Co., 9 Ohio St., 540.

Such assessments need not be levied upon all lands on such street, but only on those bounding upon the improvement or near thereto. Scovill v. Cleveland, 1 Ohio St., 127.

The assessment, whether by the front foot or upon the value assessed for taxation, must be uniform, operating alike upon all the lots or lands abutting upon the improvement, and the fact that one or more of the tracts may not have been benefitted by the improvement, will not render such assessment invalid. N. I. R. R. Co. v. Connelly, 10 Ohio St., 159.

Lands appropriated by a railroad company for its track through a city, and crossing the improved street at right angles, and upon which the track was constructed after the work had been completed, is liable to such assessment. And as between the railroad company and the person performing the work, whatever may be the rights of bona fide mortgagees of said railroad, the lands so appropriated may be sold to pay said assessment. Ib.

The power to authorize assessments as distinguished from taxes proper, is comprehended in the general grant of legislative power to the general assembly. Reeves v. Treas. of Wood Co., 8 Ohio St., 333; Baker v. Cincinnati, 11 Ohio St., 534.

The power to authorize assessments for the construction of free turnpike roads, and the opening of drains, as well as for the improvement of streets and sidewalks, exists to the same extent under the present Constitution as under that of 1802. Reeves v. Treas. of Wood Co., 8 Ohio St., 333.

[5] The authority and duty to prevent an abuse of the powers of taxation and assessment by municipal corporations, is intrusted by this section of the Constitution to the general assembly and not to the courts of the State. And the power of the legislature to authorize local taxation can not be judicially denied on the ground that the purpose for which it is exercised is not local unless the absence of all special local interests is clearly apparent. Walker v. Cincinnati, 21 Ohio St., 14.

This section relates exclusively to cities and villages, and can have no application to counties or county commissioners. State v. Com. of Warren Co., 17 Ohio St., 561.

1. The courts of the State have no power to declare a statute conferring the power of assessment on municipal corporations of a certain grade and class, for the improvement of their streets, invalid, on the ground that the statute does not adequately restrict the power so as to prevent abuse. The duty imposed by section 6, article 13, of the Constitution, is, in this regard, addressed to the conscience and judgment of the legislature, and is not the subject of judicial correction.

2. The act passed May 11, 1886, known as "Taylor Law," authorizing cities of the first grade, of the second class, to improve their streets in a cer-

tain manner, and with certain material, (83 Ohio Laws, 140), and the act amendatory thereto, passed March 21, 1887 (84 Ohio Laws, 176), are valid statutes.

3. A property holder on a street cannot, by voluntarily making an improvement in the street, suitable to his own convenience, preclude the city, through its council, from improving it in a manner authorized by statute, and required by the wants of the public and others upon the same street, Parsons v Columbus, 50 Ohio St., 460. Minshall, J.

SEC. 7. No act of the General Assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

This section, as well as the second and third, is prospective, and not retrospective, in its intent and application. Citizens' Bank v. Wright, 6 Ohio St., 318; State v. Roosa, 11 Ohio St., 17.

The advancing of money by a building association to its members, as provided in the act of February 21, 1867 (64 v. 18), is not the exercise of banking powers. Forest City U. L. B. Ass. v. Gallagher, 25 Ohio St., 208.

And see Dearborn v. Northwestern Savings Bank, 42 Ohio St., 617; Bates v. People's Savings and Loan Association, 42 Ohio St., 655.

ARTICLE XIV.

JURISPRUDENCE.

SECTION 1. The General Assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

SEC. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law now in use, and for the administration of justice by a uniform mode of proceeding without reference to any distinction between law and equity.

SEC. 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. Columbus shall be the seat of government until otherwise directed by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents, and papers for each branch of the General Assembly, with the printing required for the executive and other departments of state, shall be let on contract to the lowest responsible bidder, by such executive officers, and in such manner, as shall be prescribed by law.

1. The act of May 21, 1894, amending sections 319, 320 and 321 of the Revised Statutes (91 Ohio Laws, 400), requires that the different classes of the printing of the State shall be let by the commissioners of public printing as separate contracts, with discretion in the commissioners to let the portions embraced in the seventh class in one or more contracts. The commissioners have not authority to entertain a bid embracing two or more classes of the work as a whole.

2. Said act is not in conflict with section 2 of article 15 of the Constitution. State ex rel. v. Commissioners of Public Printing et al., 52 Ohio St., 81. Spear, J.

SEC. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

SEC. 4. No person shall be elected or appointed to any office in this state unless he possesses the qualification of an elector.

The act of April 26, 1898, to amend section 110 and other sections of the Revised Statutes, (93 O. L., 405), is ineffectual to render a woman eligible to the office of notary public, in view of the provisions of section 4 of article 15, and section 1 of article 5 of the Constitution, the former section requiring that an officer shall be an elector, and the latter that an elector shall be a male citizen. State ex rel. Attorney-General v. Adams, 58 Ohio St., 612. By the Court.

This section does not, by implication, forbid the legislature to require other reasonable qualifications for office. State v. Covington, 29 Ohio St., 102.

It does not apply to the office of deputy clerk of the probate court, and therefore a female is eligible to that office, and may lawfully discharge its duties. Warwick v. State, 25 Ohio St., 21.

"Nor can it be applicable to all subordinate officers in the military or legislative departments, to the private secretary of the governor," etc. Ib.

The place of medical superintendent of a hospital for the insane, under the act of 1876 (73 v. 80), is an "office" within the meaning of this section. State v. Wilson, 29 Ohio St., 347.

SEC. 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in this state.

SEC. 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this state.

SEC. 7. Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office.

All officers should take the oath required by the Constitution, whether the law, under which they hold office, prescribe this duty or not. The injunctions of the Constitution in this respect are as obligatory as those of a statute could be. State v. Kennon, 7 Ohio St., 546-558—Brinkerhoff, J.

SEC. 8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

SEC. 9. No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom.

This section is inserted here in accordance with the provisions of and the vote on the proposition submitted in section 18 of the schedule of the Constitution.

This section expressly authorized §§ 1, 2, 4, 8, of the act of May 1, 1854 (52 v. 153), "to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio." Miller v. State, 3 Ohio St., 475. And see State v. Hipp, 38 Ohio St., 199; State v. Frame, 39 Ohio St., 399; Butzman v. Whitbeck, 42 Ohio St., 223; State v. Sinks, 42 Ohio St., 345.

The act of March 3, 1888, entitled "An act to further provide against the evils resulting from the traffic in intoxicating liquors, by local option in any township of the State of Ohio," (85 Ohio Laws, 55), and the act of May 14, 1886, entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," (83 Ohio Laws, 157), relate to the same general subject, and, where necessary to a clear understanding of either, are to be construed together. So construed, a mode is provided in section three of the last named act, for the return to a dealer who has paid the tax, and has discontinued business by reason of the traffic having been prohibited in the township, under the act of March 3, 1888, of the ratable proportion of the tax paid to which he is entitled under section four of that act. Hence

said section four is not incapable of execution. State v. Rouch, 47 Ohio St., 478. Spear, J.

The clause, "whoever sells intoxicating liquors within two miles of the place where an agricultural fair is being held * * * shall be fined," etc., contained in section 6946 of the Revised Statutes, as amended May 2, 1885 (82 Ohio L., 222), includes sales made by one whose place of business is permanently located within such distance, is not in conflict with any provision of the Constitution, and is a valid law. Heck v. The State, 44 Ohio St., 536. Minshall, J.

1. It is competent to the general assembly of the State to impose a tax on the business of trafficking in intoxicating liquors as a means of providing against evils resulting therefrom.

2. Neither the tax so imposed, nor a provision that the same shall attach as a lien on the property in which it is conducted, constitutes a license within the meaning of section 9, of article 15 of the Constitution.

3. The statute imposing the tax may provide for its collection by the treasurer of the county, as other taxes are collected; may impose penalties for its non-payment, and, for the refusal of a person engaged in the business, on demand of the assessor, to sign and verify the statement of the return. And, for an injury done him in his property, such provisions do not deprive the citizen of the due course of law, secured to him by section 16 of the bill of rights, nor are they inhibited by the fourteenth amendment to the Constitution of the United States.

4. The legislature may, in providing against evils resulting from the traffic in intoxicating liquors, levy a tax upon such forms of the traffic as in its wisdom may seem best, without infringing the constitutional requirement (sec. 25, art. 2), that all laws of a general nature shall be uniform in their operation throughout the State.

5. The act of the general assembly passed May 14, 1886, providing against the evils resulting from the traffic in intoxicating liquors (83 Ohio L., 157), is not, in any of these respects, in conflict with the Constitution of the State nor of the United States and is a valid law. Adler v. Whitbeck, 44 Ohio St., 539. Minshall, J.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Either branch of the General Assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper in each county of the state, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors

voting at such election shall adopt such amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

An amendment to the Constitution, submitted by the legislature, under the provisions of section 1, article 16, of that instrument, requires, for its adoption, a majority of all the votes cast at the election for senators and representatives at which it is submitted to the electors of the State for their approval or rejection. State ex rel. v. Foraker, Governor, 46 Ohio St., 677. Minshall, C. J.

SEC. 2. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote, at the next election for members to the General Assembly for or against a convention; and if a majority of all the electors voting at said election, shall have voted for a convention, the General Assembly shall, at their next session, provide, by law, for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

Joint resolution, April 16, 1896, (92 Laws, 787), submitting the question of calling a constitutional convention to the electors of the State, held invalid. State ex rel. Attorney-General v. Kinney, Secretary of State, 56 Ohio St., 721. By the Court.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the constitution," shall be submitted to the electors of the state; and in case a majority of all the electors voting at such election shall decide in favor of a convention, the General Assembly at its next session shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

SCHEDULE.

SEC. 1. All laws of this state, in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force until amended or repealed.

The laws of a conquered country being held to remain in force until repealed, so far as they are consistent with the government of the conquerors, a foritori must it be held, that the laws of a State survive a peaceable change in its Constitution, effected by its own people, and not varying the general structure of the government, to the full extent to which they are consistent with the new order of things. Cass v. Dillon, 2 Ohio St., 607.

The new Constitution of Ohio created no new State. It only altered, in some respects, the fundamental law of a State already in existence, and even this was done pursuant to the prior Constitution under whose provisions the convention was called, and the new Constitution framed. Ib.

It follows that all laws in force when the latter took effect, and which were not inconsistent with it, would have remained in force without an express provision to that effect, and all inconsistent laws fell simply because they were inconsistent; in other words, all repugnant laws were repealed by implication. Ib.

The rule that repeals by implication are not favored, is applicable to the inquiry whether any particular enactment has ceased to be in force on account of repugnancy to the new Constitution. Ib. State v. Dudley, 1 Ohio St., 437.

The repugnancy which must cause the law to fall, must be necessary and obvious; if by any fair course of reasoning, the law and the Constitution can be reconciled, the law must stand. C., W. & Z. R. R. Co. v. Com. of Clinton Co., 1 Ohio St., 77; State v Dudley, Ib., 437; Cass v. Dillon, 2 Ohio St., 608; Hill v. Higdon, 5 Ohio St., 243; Armstrong v. Treas. of Athens Co., 10 Ohio, 235; Goshorn v. Purcell, 11 Ohio St., 653. And see Art. IV, § 1, Note 1.

The English common law so far as it is reasonable within itself, suitable to the condition and business of our people, and consistent with the letter and spirit of our federal and State Constitutions and statutes, has been and is followed by our courts, and may be said to constitute a part of the common law of Ohio. But whenever it has been found wanting in either of these requisites, our courts have not hesitated to modify it to suit our circumstances, or if necessary, wholly to depart from it. Bloom v. Richards, 2 Ohio St., 387.

SEC. 2. The first election for members of the General Assembly, under this constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

SEC 3. The first election for governor, lieutenant governor, auditor, treasurer, and secretary of state, and attorney-general, shall be held on the second Tuesday of October, one thousand

of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the court of common pleas.

SEC. 7. All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

SEC. 8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified under this constitution.

SEC. 9. This constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

"The Constitution must receive the same construction since its ratification by the people that it would have received when it passed from the hands of the convention. As a necessary result from this principle, things as they existed on the tenth of March, when it was adopted by the convention, must control in its construction. In short, the instrument speaks from the tenth of March, although by its own terms its effect was postponed to the first of September, and none the less so because the approval of the people was made necessary to its ultimate effect. They but ratified and approved an act already done by their representatives in convention, and were not, in any correct sense, the authors of the act itself." State v. Dudley, 1 Ohio St., 437-442—Ranney, J.

SEC. 10. All officers shall continue in office until their successors shall be chosen and qualified.

This section was not intended as a permanent provision of the Constitution, and as such applicable to officers chosen under it, but was limited, in its application, to officers chosen or appointed under the old Constitution, and whose term of office did not expire until after the taking effect of the Constitution. State v. Taylor, 15 Ohio St., 137.

SEC. 11. Suits pending in the supreme court in bank, shall be transferred to the supreme court provided for in this constitution, and be proceeded in according to law.

SEC. 12. The district courts shall, in their respective counties, be the successors of the present supreme court; and all suits, prosecutions, judgments, records and proceedings, pending and remaining in said supreme court, in the several counties of any dis-

trict shall be transferred to the respective district courts of such counties, and be proceeded in as though no change had been made in said supreme court.

SEC. 13. The said courts of common pleas shall be the successors of the present courts of common pleas in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records and judgments, pending or being in said last mentioned courts, except as aforesaid, shall be transferred to the courts of common pleas created by this constitution, and proceeded in as though the same had been therein instituted.

SEC. 14. The probate courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present courts of common pleas; and the records, files and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said courts of probate, and be there proceeded in according to law.

SEC. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll-books returned, as is provided for governor, and the abstract therefrom, certified to the secretary of state, shall be by him opened in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

SEC. 16. Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of elections shall be sent to the county having the largest population.

SEC. 17. The foregoing constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "New constitution, Yes;" those against the constitution, "New constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock a. m., and closed at six o'clock p. m., and the said election shall be conducted, and the returns thereof made and certified to the secretary of state,

as provided by law for annual elections of state and county officers. Within twenty days after such election the secretary of state shall open the returns thereof in the presence of the governor, and, if it shall appear that a majority of all the votes cast at such election are in favor of the constitution, the governor shall issue his proclamation stating that fact, and said constitution shall be the constitution of the state of Ohio, and not otherwise.

The result of this election, excluding the returns of the two counties, Defiance and Auglaize, which were not received in the twenty days specified, was as follows:

"New Constitution, Yes"	125,564
"New Constitution, No"	109,276
Majority for new Constitution	16,288

SEC. 18. At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution, the additional section, in the words following, to wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to wit: A separate ballot may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors, Yes;" and upon the ballots given against said amendment, in like manner, the words: "License to sell intoxicating liquors, No." If, at the said election, a majority of all the votes given for and against said amendment shall contain the words "License to sell intoxicating liquors, No," then the said amendment shall be a separate section of article fifteen of the constitution.

1. This election resulted:

"License to sell intoxicating liquors, No"	113,237
"License to sell intoxicating liquors, Yes"	104,255
Majority against license	8,982

1. The general assembly has power (except as limited by section 18 of the schedule to the Constitution), to regulate occupations by license, and to compel, by imposition of a fine, payment of a reasonable fee, where a special benefit is conferred by the public upon those who follow an occupa-

tion, or where the occupation imposes special burdens on the public, or where it is injurious or dangerous to the public health.

2. The provisions of sections 1, 2, 22, 26 and 35 of the act of April 16, 1883 (80 Ohio L., 129), and section 29 as amended March 25, 1884 (81 Ohio L., 78), which require that in cities of the first grade of the first class each proprietor or lessee of a theater, etc., and all keepers or owners of livery, sale or boarding stables, every dealer in second-hand articles and keepers of junk shops, and the owners of all vehicles used upon the streets of the city, shall pay license as therein provided; that no person shall engage in any such business until a license therefor shall have been obtained; and that any person who shall violate any of the provisions of the act shall be punished by fine, are not in conflict with the Constitution. Cincinnati v. Buckingham, 10 Ohio, 257; Cincinnati v. Bryson, 15 Ohio 625; and Baker v. Cincinnati, 11 Ohio St., 534, approved and followed. Marmet v. State, 45 Ohio St., 68. Spear, J.

SEC. 19. The apportionment for the House of Representatives during the first decennial period under this constitution shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby and Union, shall, severally, be entitled to one representative in each session of the decennial period.

The counties of Franklin, Licking, Montgomery and Stark shall each be entitled to two representatives in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit and Warren shall, severally, be entitled to one representative in each session, and one additional representative in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Washington shall, severally, be entitled to one representative in each session, and two additional representatives, one in the third and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, Ross and Wayne shall, severally, be entitled to one representative in each session, and

three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Muskingum shall be entitled to two representatives in each session, and one additional representative in the fifth session of the decennial period.

The county of Cuyahoga shall be entitled to two representatives in each session, and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to seven representatives in each session, and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect separately, under the fourth section of the eleventh article, shall form districts in manner following, to wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative in every session of the decennial period.

Done in convention, at Cincinnati, the tenth day of March,[1] in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States the seventy-fifth.

[1] See Sched., § 9. Note.

WILLIAM MEDILL, *President.*

Attest: WM. H. GILL, *Secretary.*

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PART TWO.

EXTRACTS

FROM THE

REVISED STATUTES OF OHIO

BEARING ON THE

PRIVILEGES, DUTIES, AND POWERS OF THE GENERAL ASSEMBLY.

WITH AN APPENDIX CONCERNING THE ELECTION OF UNITED STATES SENATORS FROM OHIO.

PART I, TITLE II—LEGISLATIVE.

CHAPTER I. Organization of the General Assembly.

CHAPTER II. Testimony in Impeachments.

CHAPTER III. Powers of Committees.

CHAPTER IV. Journals, and the Printing and Distribution of Laws and Documents.

CHAPTER V. Operation of Statutes.

EXTRACTS—REVISED STATUTES OF OHIO.

CHAPTER I.

ORGANIZATION OF THE GENERAL ASSEMBLY.

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SEC. 24. For all purposes of the organization of the senate and house of representatives of the General Assembly the certificate of election, from the clerk of the court of common pleas of the proper county, shall be held and considered as prima facie evidence of the right to membership of the person therein certified to be elected senator or representative.

NOTE — Sections 2980, 2983 and 2985, R. S., direct the deputy state supervisors to make the certificate of election, but do not repeal section 24 above. The following citation is inserted as pertinent:

Repeals by implication—not favored; but, not withstanding the constitutional provision (Art. 2, Sec. 16), a subsequent statute revising the whole subject matter of a former statute, and evidently intended as a substitute for it, although it contains no express words of repeal, operates as a repeal. Lorain P. R. v. Cotton, 12 Ohio St., 263; Lehman v. McBride, 15 Ohio St., 573; State v. Bell, 34 Ohio St., 194.

From Revised Statutes of Ohio—Sections 25 to 27.

SEC. 25. At the hour of ten o'clock, forenoon, of the day appointed for the beginning of any regular session of the general assembly, the president of the senate, or in case of his absence or inability, the oldest man present who is a senator elect, shall take the chair and call the members elect to order, and shall appoint one of them clerk pro tempore; and the president or chairman shall then call over the senatorial districts in their numerical order, and as the same are called the persons claiming to be members shall present their certificates and take the oath of office.

SEC. 25–1. It shall be the duty of the following named officers in each branch of the General Assembly of Ohio to be present at the organization of the next succeeding general assembly, and to assist in the organization thereof, to–wit: The chief clerk, journal clerk, sergeant–at–arms, and the second assistant sergeant–at–arms. [As amended March 18, 1887; 84 v. 112.]

SEC. 25–2. Said clerks and sergeants–at–arms of the senate and house of representatives shall each be entitled to receive pay for the services so rendered, at the rate of five dollars per diem, for a period not exceeding ten days; provided, that in case either of said officers shall have been re–elected to his position in the succeeding legislature, he shall only be entitled to the pay heretofore provided by law.

SEC. 26. After the senators elect have taken the oath of office, if there be a quorum present, the senate shall proceed to the election of a president pro tempore, a clerk, and five assistant clerks, to–wit: a journal clerk, a message clerk, an engrossing clerk, an enrolling clerk, and a recording clerk; a sergeant–at–arms, a first assistant sergeant–at–arms, and a second assistant sergeant–at–arms; and the election shall be in the order herein stated, and by viva voce voting. [As amended April 17, 1882; 79 v. 104.]

SEC. 27. At the same time fixed for calling the senate to order, the secretary of state, or in case of his absence or inability, the auditor of state, in the hall of the house of representatives, shall take the chair and call the members elect to order, and appoint one of them clerk pro tempore; the several counties and districts of the state shall be called over by the officer presiding, in alphabetical

order, and as the counties are called the members elect therefrom, or from the districts composed thereof, shall present their certificates, and take the oath of office.

SEC. 28. After the representatives elect have taken the oath of office, if there be a quorum present, the house shall proceed to the election of a speaker, a speaker pro tempore, a clerk, and five assistant clerks, to-wit: a journal clerk, a message clerk, an engrossing clerk, an enrolling clerk, and a recording clerk; a sergeant-at-arms, a first assistant sergeant-at-arms, a second assistant sergeant-at-arms, and a third assistant sergeant-at-arms; and the election shall be in the order herein stated, and by viva voce voting. [As amended April 17, 1882; 79 v. 104.]

SEC. 29. No additional assistant clerks or assistant sergeant-at-arms shall be elected or appointed in either branch of the General Assembly, except on the application of the clerk or sergeant-at-arms, stating the number necessary, and the passage of a resolution by such branch providing therefor; and such resolution may provide either for the election of such assistants or for their appointment by the clerk and sergeant-at-arms, respectively. [As amended April 17, 1882; 79 v. 104.]

SEC. 30. The oath of office of senators and representatives, the president pro tempore of the senate, the speaker and speaker pro tempore of the house, the clerk of each branch, the assistant clerks, the sergeant-at-arms and the assistant sergeant-at-arms, may be administered by any member, or by any person authorized to administer oaths.

SEC. 31. The clerk and sergeant-at-arms of each branch shall hold their offices during the term of the senators and representatives electing them, respectively, unless sooner removed by resolution of the branch whose officers they are, respectively.

SEC. 32. The clerk and sergeant-at-arms of each branch shall have control and direction of their respective assistants, and may dismiss any of them whose services are not needed, or who do

not perform their duties in a satisfactory manner; and either branch may, by resolution, dismiss any such assistants.

SEC. 33. A majority of all the votes given at any election for an officer of either branch shall be necessary to elect; but if a choice be not made on or before the tenth voting, the person thereafter receiving the highest number of votes shall be declared duly elected.

SEC. 34. The president of the senate shall appoint three pages, and the speaker of the house shall appoint five pages, who shall serve during the session of the General Assembly, unless sooner dismissed for cause by the officer appointing, or the branch in which they are appointed; and additional pages may be appointed or authorized by resolution of either branch.

SEC. 35. Either branch, at any time, in the absence or during the disability of its clerk or sergeant-at-arms, may by resolution, constitute any one of the assistant clerks, clerk pro tempore, or any one of the assistant sergeant-at-arms, sergeant-at-arms pro tempore, and thereupon the duties of the clerk or sergeant-at-arms shall devolve on his assistant so appointed, and such appointee shall, during the absence or disability of his principal, have all the powers and be charged with all the duties devolved on or required of the clerk or sergeant-at-arms whose place he fills.

SEC. 36. Whenever, at the commencement of, or during a regular, adjourned, or called session of the General Assembly, upon a call of either branch, it be found that no quorum of members is present, or if any member or members be found absent on any such call, the members present are authorized to direct the sergeant-at-arms, or if there be no sergeant-at-arms of such branch, then any other person, to compel the attendance of any or all absentees; and if, on any such call of either branch, the members present refuse to excuse any absentee, he shall not be entitled to any per diem during his absence, and shall be liable for any expenses incurred in procuring his attendance, which shall be deducted out of his compensation as a member.

SEC. 37. The resignation of a senator or representative, which is tendered during any session of the General Assembly, shall not take effect until the branch of which the person tendering it is a

member has accepted the same by a vote of a majority of the members elected to such branch, exclusive of the persons tendering the resignation; but a member of either branch of the General Assembly may resign, at any other time, to the governor, who shall have power to accept the same. That this provision shall not apply to a member-elect of the general assembly offering his resignation previous to the organization of the general assembly to which he has been elected. [As amended April 5, 1893, v. 139.]

SEC. 38. When the two branches of the general assembly meet in joint convention for any purpose required by the constitution or laws, such convention shall be held in the hall of the house of representatives, unless otherwise ordered by joint resolution of the two branches; and during all such conventions each branch shall be deemed to be in session as a separate branch of the general assembly; and, except in voting in elections where each member is entitled to a separate vote, each branch shall act separately, and no question shall be considered carried, otherwise than by a concurrent action of both branches; but either branch may, by a vote of a majority of all its members, dissolve such convention by an order withdrawing therefrom; and such convention may, by a concurrent vote of the two branches, take a recess, or adjourn to a time certain; but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch, nor to prevent either from proceeding with its business during such recess or adjournment.

SEC. 39. The sergeant-at-arms of each branch shall, immediately after the close of a session, take charge of the books, stationery, and other property furnished for the use of his branch of the General Assembly, or any member or officer thereof, and cause the same to be delivered into the custody of the secretary of state, who shall give duplicate receipts therefor, one of which the sergeant-at-arms is required to deposit with the auditor of state.

SEC. 40. Each member of the General Assembly shall receive the sum of six hundred dollars for each year of the term of his office, to be paid in monthly installments, not exceeding one hundred and fifty dollars; provided that there shall be paid at the close of each session the amount due for that year, and also twelve

cents per mile each way for traveling from and to his place of residence, by the most direct route of public travel to and from the seat of government; but if any member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of five dollars for each day's absence. [As amended April 15, 1889; vol.86, p. 947.]

SEC. 41. The clerk and sergeant-at-arms of the senate and house, and their assistants, shall receive five dollars for each day's attendance during the sessions.

SEC. 42. The word "attendance" shall be construed to mean all days from the opening to the close of the session, except such days of absence as are not excused by the branch to which the member or officer belongs.

SEC. 43. The clerks of the Senate and House of Representatives shall receive five dollars per day, each, for the time employed after the adjournment of the General Assembly, for making out indexes to the recorded and printed journals, and for reading the proof sheets of the printed journals— the bills therefor to be approved by the commissioners of public printing, or a majority of them; but they shall not receive any other allowance or compensation for services after the adjournment of the General Assembly, except as may be provided by law or resolution.

SEC. 44. The president of the Senate and the speaker of the House shall ascertain the number of days attendance of each member and officer of their respective branches during the session, and the number of miles travel of each member to and from the seat of government, and certify the same, with the amount due therefor, to the auditor of state.

SEC. 45. The sergeant-at-arms of the senate and house shall each receive five dollars per day for the time employed after adjournment in the performance of the duties required of him, to be fixed by resolution of the respective branches.

SEC. 46. The amount to be paid to the pages and other employes of either branch shall be fixed by resolution of such branch, and shall not be changed during the term for which fixed.

CHAPTER II.

TESTIMONY IN IMPEACHMENTS.

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47. Depositions on complaint.	49. Fees in such cases.
48. Notice in such cases.	

SEC. 47. In all cases where a memorial, petition, or complaint, praying for an investigation of the official conduct of an officer liable to impeachment by the constitution, is pending in, or may hereafter be presented to the House of Representatives, it shall be competent and lawful for a person preferring such complaint, either before or after the same has been presented, to take depositions of witnesses to substantiate the same, which depositions may be used as testimony before the house in determining whether it will impeach such officer, and may be taken before any person authorized by law to take depositions in other cases.

SEC. 48. Notice shall be given of the time and place of taking such depositions in the same manner as is required by law in other cases; but if the officer, against whom such complaint is made or about to be made is out of the state, then such notice may be left at his place of residence in the same; if he have no known place of residence in the state, then such notice may be published in some newspaper, printed in the county of the state where he last resided, for three consecutive weeks next preceding the time of taking the depositions.

SEC. 49. In case an impeachment be preferred to the Senate, and the officer impeached be convicted by the Senate, then the person complaining, who has caused the deposition to be taken, shall be allowed the legal fees accruing on the same.

From Revised Statutes of Ohio—Sections 50 and 51.

CHAPTER III.

POWERS OF COMMITTEES.

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51. Subpœna, to whom directed, and how served; the form thereof.
52. Punishment for disobeying subpœna, or refusing to answer.
53. Testimony not to be used in criminal prosecution of witnesses.
54. Fees of witnesses and sheriffs same as in common pleas.
55. Chairman or member of committee may administer oath.

SEC. 50. The chairman of a standing or select committee appointed by the General Assembly, or by either branch thereof, and authorized to send for persons and papers, and the chairman of a sub-committee appointed by a standing or select committee, so authorized, have authority to subpoena witnesses in any part of the state, to be and appear before such committee or sub-committee at such time and place as may be designated in the subpœna, to testify touching matters of inquiry committed to the committee or sub-committee, and to cause the production of books, papers, and records by such witnesses.

SEC. 51. The subpœna shall be directed to a sergeant-at-arms; if issued by a joint committee, or a sub-committee of a joint committee, to the sergeant-at-arms of either branch, as the chairman may determine; but if issued by committee of one branch, or a sub-committee of such committee, then to the sergeant-of-arms of that branch; or in either case to the sheriff of any county; and it shall be by the officer to whom directed, or his assistant or deputy, served and returned to the chairman issuing the same, as subpœnas issued by courts of record, and it shall be substantially in the following form:

THE STATE OF OHIO, —— COUNTY, SS.:

To the sergeant-at-arms of the ——, or the sheriff of the county of —— (as the case may be):

By authority of the (insert General Assembly, Senate, or House of Representatives, as the case may be) of the state of Ohio, you are hereby commanded to summon —— ——, of ——, to be and appear before the —— committee of the said ——, at ——, on the ——.day of ——, A. D. ——, at the hour ——, then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said com-

mittee. Of this writ make due return, with your proceedings in this behalf indorsed thereon.

Witness my hand this —— day of ——, A. D. ——.

—— ——, Chairman.

SEC. 52. Whoever wilfully fails to appear in obedience to such subpœna, or appears and refuses to answer any question pertinent to the matter of inquiry, or declines to produce any paper or record in his possession or control, shall be liable to the pains and penalties for contempt of the authority of the General Assembly, if the committee be a joint committee, or of the proper branch of the General Assembly, if the committee be appointed by only one branch, and shall be dealt with by the General Assembly, or such branch thereof, according to the parliamentary rules and usages in cases of contempt; and the chairman of the committee, before which such person fails to appear, or refuses to answer or produce a paper or record, as aforesaid, on the order of the committee or sub-committee, shall report the fact to the proper branch of the General Assembly, and, on like order, issue a warrant for the arrest and conveyance of the witness before that branch to answer for the contempt; and the sergeant-at-arms or sheriff to whom such warrant is directed, shall forthwith execute the same; but the proceedings against a witness, or his punishment by the General Assembly or either branch thereof for contempt, shall not prevent or affect his indictment and punishment for the same offense in any court of competent jurisdiction.

A standing committee on privileges and election of either house of the general assembly, while engaged under the order of such house in taking testimony and making investigations to be reported to it, in a contest for membership thereof, pending therein, with power to send for persons and papers, may, by a subpœna duces tecum, lawfully command a clerk of the common pleas court, having custody thereof, to produce before such committee any poll-book affecting the election involved in such contest, although this may require its removal to another county than that in which his office is situated. Ex parte Dalton, 44 Ohio St., 142.

Upon the refusal of the clerk to obey the command of such subpœna, it is lawful for such house, upon his arraignment therein and further refusal, to order his commitment to jail as for contempt of its authority, until he obeys, or signifies his willingness to obey, the command of such subpœna; such imprisonment not to extend, however, beyond the pending session of the general assembly. Ib.

From Revised Statutes of Ohio—Sections 53 to 55.

SEC. 53. The testimony of a witness examined before a committee or sub-committee shall not be used as evidence in a criminal proceeding against him; but this privilege of exemption does not apply to an official paper or record, which may still be used against him, although he produced it on such examination; and no witness may refuse to testify to any fact or decline to produce any paper touching which he is so examined, for the reason that his testimony, or the production of the paper, tends to disgrace him.

SEC. 54. Sheriffs and witnesses are entitled to the same fees and mileage for services and attendance, in this behalf, as are allowed by law in the court of common pleas for similar services and attendance; and the same shall be paid out of the state treasury, on the certificate of such chairman.

SEC. 55. The chairman or any member of a committee of the General Assembly, or of either branch thereof, or of a sub-committee, may administer the oath to witnesses produced or appearing before such committee or sub-committee.

From Revised Statutes of Ohio—Section 56.

CHAPTER IV.

JOURNALS AND PRINTING, AND DISTRIBUTION OF LAWS AND DOCUMENTS.

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70. Laws, journals, and executive documents to be sent to county auditors.
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73. Journals, documents, and laws, how bound, etc.
74. Copies not distributed to be preserved.
75. Surplus public documents sent to counties may be distributed or sold by order of the commissioners.
76. Public documents to be sent to the newspapers.

SEC. 56. The clerk of each branch shall keep a journal of the proceedings thereof, which shall be read and corrected in its presence. After the reading and approval of the journal of the proceedings of each day, it shall be attested by the proper clerk, after which the same shall be recorded in books to be furnished to the clerks, respectively, for that purpose by the secretary of state; and after the journals are recorded in these books, they shall be deposited with the secretary of state, who shall carefully preserve them; and these records shall be considered and held to be the true and authentic journals. The original daily journals as kept, corrected, approved and attested, shall be delivered by the respective clerks to the printer of the journals for his use in printing them; and each clerk shall read and correct the proof-sheets of the journal kept and attested by himself, carefully com-

paring such proof-sheets with the record herein provided for, and correcting all errors in the proof-sheets.

The journals are the best evidence of the action of the general assembly, State v. McCollister, 11 Ohio, 46; State v. Moffit, 5 Ohio, 358; Miller v. State, 3 Ohio St., 475; S. B. Northern Indiana v. Milliken, 7 Ohio St., 384; Fordyce v. Godman, 20 Ohio St., 1.

SEC. 57. No executive message, address or communication of a state officer, or board of officers, no report of the superintendent or other officers of any institution or building, no petition or memorial or argumentative or voluminous report of a standing or select committee of either branch, or joint committee of both branches, no special report of any officer or board of officers made in reply to any resolution of either branch, or in reply to any joint resolution, nor any other long or voluminous document, except amendments to the constitution and to bills and resolutions, and the protests of members of either branch against any act or resolution thereof, shall be entered upon the journals or recorded in the books provided for in the foregoing section.

SEC. 58. Six hundred copies of the journal of the Senate, and the same number of copies of the journal of the House of Representatives, shall be printed as kept and recorded; and to each printed journal there shall be an appendix, in which shall be printed all petitions and memorials, all reports of committees, all special reports, the communications of all officers or boards of officers that are laid before either or both branches, and all other papers and documents (except the report of the state board of agriculture) that are laid before either or both branches in writing, unless the printing thereof is otherwise provided for by law; but no paper or document shall be printed in either appendix, unless the branch before which such paper or document be laid expressly orders it to be printed in the appendix to the journal of the branch; and if any paper or documents be laid before both branches, and be ordered to be printed by both, it shall be printed only in the appendix to the Senate journal; and the abstract of votes for governor and other state officers shall be printed in the appendix to the Senate journal, and the standing rules in the appendix to each journal, without an order by either or both branches. And there shall be printed prior to the first day of Jan-

uary each year, copies of all reports of all the benevolent, penal and reformatory institutions of the state, and of the board of public works provided for, and for the use of each member of the General Assembly, at least one copy of each report shall be laid upon the desk of every member of the General Assembly on the first day of every regular or adjourned session. [As amended May 1, 1891; 88 v. 498.]

SEC. 59. Each clerk shall carefully preserve, during the session, all papers and documents that may be laid before the branch of which he is clerk; and such of them as are ordered by such branch to be printed he shall forthwith deliver to the printer for his use in printing them, and the printer shall immediately print five hundred copies thereof, of which number each of the executive officers shall receive one, and the state librarian five, which he shall preserve, and no extra copies of any paper or document shall be printed unless the same be ordered by joint resolution, adopted within ten days of the day on which the five hundred copies are printed and delivered to the clerks; and if extra copies be so ordered the printer shall print the same without any charge for composition for such extra copies; and each clerk shall keep a correct list of all papers and documents of which extra copies are ordered to be printed, and also all of such as are ordered to be printed in the appendix to the journal of the branch of which he is clerk, and shall furnish the printer with copies of such lists whenever requested by the printer to do so; and if any paper or document be ordered to be printed in the appendix to either journal before the same is delivered to the printer, the clerk having charge of it shall indorse upon it before sending it to the printer these words, "ordered to be printed in appendix," and if any such paper or document be ordered printed in either appendix within ten days after the same was printed for the use of the General Assembly, then no charge for composition can be made for printing it in the appendix. [As amended April 16, 1896; 92 v. 158.]

SEC. 60.' The clerks shall read and correct the proofs of all papers and documents that are ordered by either branch to be printed, and the clerks shall each make out a correct index to the

journal kept by himself, and also of its appendix, and deliver the same to the printer, who shall print them at the close of the proper volume, and they shall each in like manner make out an index to the recorded journals, and deliver the same to the secretary of state, who shall preserve the same with such recorded journals.

SEC. 61. All county, township, city and village officers, all officers and boards of officers of all state institutions and buildings, all officers connected with the public works of the state, and all corporations (except such as by their charters are required to make their reports at some other specified time) which are now required, or may hereafter be required by law to make annual reports for any purpose to any state officer or officers, shall make out the same on or before the fifth day of November of each year, and forthwith transmit them to the proper officer or officers; and for the purpose of making out all such reports as come within the provisions of this section, the year shall begin on the first day of November of each year and end on the last day of October of each succeeding year; but this section shall not apply to the state commissioner of common schools, or to other school officers; and the annual report of the commissioner of railroads and telegraphs may be made out and delivered at any time before the first day of January of each year.

SEC. 62. All state officers and boards of officers, and the officers of all such institutions and buildings as are or may hereafter be required to make annual reports to the General Assembly, or to the governor, shall make such reports to the governor on or before the twentieth day of November of each year; and the governor shall cause them to be printed as soon thereafter as practicable, by the printer having the contract for this branch of the public printing; and the governor shall lay before the General Assembly all such reports in printed form at the same time that he lays before it his annual message, so far as they may be printed; but nothing in this title shall be held to modify in any respect the laws in relation to the annual report of the state board of agriculture, of the commissioner of railroads and telegraphs, of the superintendent of insurance, or of the state commissioner of common schools.

From Revised Statutes of Ohio—Section 63.

SEC. 63. There shall be printed, the number hereinafter stated, of each of the annual reports of the following officers and boards:

Secretary of state, including statistics: For the secretary, five thousand copies; for each member of the General Assembly, one hundred and twenty copies.

Auditor of state, including detailed statement of receipts and disbursements: For the auditor, one thousand copies: for each member of the General Assembly, fifteen copies.

Treasurer of state: For the treasurer, three hundred copies.

Sinking fund commissioners: For the commissioners, two hundred copies.

Attorney-general: For the attorney-general, two hundred copies.

Commissioner of common schools: For the commissioner, five thousand copies; for each member of the General Assembly, one hundred copies; for each board of county school examiners, one hundred copies for distribution among teachers, boards of education, and special school boards.

Commissioners of the state library: For the commissioners, four hundred copies.

Supervisor of public printing: For the supervisor, two hundred copies.

Commissioner of railroads and telegraphs: For the commissioner, one thousand copies; for each member of the General Assembly, five copies; each copy to contain a correct railroad map of the state; of railroad maps, mounted on pasteboard, for the commissioner, one thousand copies; for each member of the General Assembly, sixty copies; of railroad maps in pocket edition form, for the commissioner, one thousand copies; for each member of the General Assembly, ten copies.

Commissioners of fisheries: For the commissioners, five hundred copies.

State inspector of oils: For the inspector, three hundred copies.

Adjutant-general: For the adjutant-general, six hundred copies.

From Revised Statutes of Ohio—Section 63.

Board of public works: For the board, three hundred copies.

Warden and directors of the penitentiary: For the warden and directors, five hundred copies.

Institution for the education of the deaf and dumb: For the institution, one thousand copies.

Institution for the education of the blind: For the institution, five hundred copies.

Columbus asylum for the insane: For the superintendent, five hundred copies.

Athens asylum for the insane: For the superintendent, five hundred copies.

Dayton asylum for the insane: For the superintendent, five hundred copies.

Cleveland asylum for the insane: For the superintendent, five hundred copies.

Longview asylum for the insane: For the superintendent, five hundred copies.

Boys' industrial school: For the superintendent, five hundred copies.

Girls' industrial home: For the superintendent, five hundred copies.

Institution for idiotic and imbecile youth: For the institution, one thousand copies.

Board of state charities: For the board, two thousand copies.

Soldiers' and sailors' orphans' home: For the board of trustees, one thousand copies.

Soldiers' and sailors' home: For the board of trustees, five hundred copies.

Ohio state university: For the trustees and officers, five thousand copies.

[illegible] of mines: For the inspector, four thousand copies; [illegible]er of the General Assembly, twenty-five copies.

[illegible]ter of statistics of labor: For the commissioner, [illegible]ed copies; for each member of the General Assem-

From Revised Statutes of Ohio—Sections 63 and 64.

Superintendent of Insurance: For the superintendent of the fire and life insurance report, three thousand copies; for each member of the General Assembly of the fire and life insurance report, ten copies.

Meteorological bureau: For the board of directors, two thousand copies.

Inspector of shops and factories: For the inspector, four thousand copies; for each member of the General Assembly, ten copies.

Forestry bureau: For the board of directors, two thousand copies.

State board of agriculture: For the board, five thousand copies; for each member of the General Assembly, one hundred and thirty copies.

The report of the secretary of state, of commissioner of labor statistics, of the inspector of shops and factories, and the state board of agriculture, shall also be printed in the German language; and the secretary of state shall ascertain from each member of the General Assembly how many of the copies to which he is entitled, he wishes in the German language, and the aggregate number so determined shall be printed in German and distributed to the members of the General Assembly accordingly. The several reports furnished to members of the General Assembly shall be boxed and directed to the members, in care of the county auditor of the county where they respectively reside, unless the members shall otherwise direct; and the charges for transportation of such reports shall be paid in the same manner as is provided by law for the distribution of laws and journals. [As amended May 1, 1891; 88 v. 498.]

SEC. 64. The report of the secretary of state, commissioner of common schools, superintendent of insurance, commissioner of railroads and telegraphs, state board of agriculture, commissioner of statistics of labor and the auditor of state's report, shall be bound in muslin and properly lettered on the back; and all other reports mentioned in section 63, shall be bound in brochure covers, unless otherwise ordered by joint resolution. [As amended March 6, 1888; 85 v. 64.]

From Revised Statutes of Ohio—Sections 65 to 68.

SEC. 65. All regular messages of the governor, and all inaugural addresses of the governor-elect, shall be printed in pamphlet form, for the governor delivering such messages or addresses, five hundred copies; for each member of the General Assembly, ten copies, without any order by either or both houses for the printing thereof. [As amended March 6, 1888: 85 v. 64.]

SEC. 66. At the same time that the documents mentioned in sections sixty-three and sixty-five are printed in pamphlet form, there shall be printed on the same type, six hundred copies of each document named, in a volume or volumes, paged consecutively, with running heads designating each report, to be styled "executive documents," to be bound in half-law binding, and the supervisor of public printing shall make out an index to be printed at the commencement or close of each volume. There shall be no charge for composition for printing the one thousand [six hundred] copies of said executive documents, except for the index and title page; but the commissioners of public printing may allow a fair compensation for the time consumed in changing the forms. One copy of this "executive document" when so bound shall be sent to each member of the General Assembly, and two copies of these executive documents when so bound, shall be sent to each county auditor, one to be placed on file in his office and the other in the office of the county clerk; the report of the secretary of state, auditor of state, commissioner of railroads and state school commissioner, shall not be put in the executive documents. [As amended May 1, 1891: 88 v. 498.]

SEC. 67. There shall be printed thirty thousand copies of the laws and joint resolutions; and all the laws, general and local, and joint resolutions, shall be printed in one volume. Three thousand copies shall be printed in forms of sixteen pages, as soon as practicable after enactment, ten copies of which shall be delivered promptly to each member of the General Assembly, and the balance sent by the secretary of state, pro rata, according to population, to the auditor of the several counties. The remainder (twenty-seven thousand) shall be bound in half-law binding, and distributed as provided by law.

SEC. 68. Each member and officer of the General Assembly,

From Revised Statutes of Ohio—Sections 68 and 69.

for himself, and each clerk of each court of record, and each county auditor, for the use of their offices, respectively, shall be entitled to one copy of each journal and appendix, and one copy of the executive documents; each university, college, academy, or other literary institution, which now is, or may hereafter be, established in this state; each county agricultural society, each county council of patrons of husbandry, and the national asylum for disabled volunteer soldiers near Dayton, and each benevolent and eleemosynary institution of the state, shall be entitled to receive from the county auditor one copy of the laws passed at each session of the General Assembly; also one copy of each journal and appendix, one copy of the executive documents, and one copy of the agricultural reports. [As amended January 29, 1885: 82, v. 12.]

SEC. 69. Eeach member and officer of the General Assembly, for himself; each judge, and each clerk of every court of record; each justice of the peace, constable, township trustee, township clerk; each mayor, auditor, treasurer, clerk, recorder, trustee of any ward in any city or village; each county auditor, treasurer, recorder, sheriff, prosecuting attorney, commissioner of insolvents, surveyor, coroner, infirmary director, and county commissioner shall be entitled to receive one copy of the laws passed at each session of the General Assembly, for their use while filling such office; but every such officer (except members and officers of the General Assembly) as may by virtue of his office receive a copy of the laws, journals, or executive documents, for his use while filling such office, shall deliver the same to his successor in office for his use while filling such office; and if any such person refuses, on demand being made, to deliver them to his successor in office, such person so refusing shall forfeit and pay any sum not less than five nor more than fifteen dollars, to be recovered in an action brought by the successor in office of such person, in the name of the state (for the use of the county where such action is brought), before any justice of the peace of such county; and the secretary of state shall furnish to the judges, clerks, district attorneys and marshals of the United States courts within this state, for the use of their respective offices, each, one copy of the laws passed at each session of the General Assembly.

From Revised Statutes of Ohio—Sections 70 and 71.

SEC. 70. The secretary of state shall, as soon as the laws, journals and executive documents of each session are printed and ready for distribution, box up the number of each to which each county may be entitled, together with such number of extra copies of the laws for sale as he deems sufficient to supply the demand for the same, and forward them by public conveyance to the auditor of the county, and the secretary of state shall in like manner as soon as the agricultural reports are ready for distribution, box up and distribute the same, as provided in section 63; and if any county-seat be so situated that the laws, journals, reports, and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near such county seat as practicable, and the secretary of state shall notify the county auditor in writing, of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county-seat. The treasurer of each county shall, on the order of the auditor, pay the charges for the conveyance of the same from Columbus to such county-seat. [As amended April 11, 1883; 80 v. 107.]

SEC. 71. The county auditor shall deliver the laws, journals, reports, and documents to such persons, institutions, and societies as may be entitled to receive them, when so requested to do, and shall take receipts therefor, and file the same in his office subject to inspection; and all such copies of the laws as may be forwarded to any county for sale shall be delivered by the auditor to the clerk of the court of common pleas, and the auditor shall take his receipt therefor, and file the same with the receipts aforesaid, and the auditor shall charge the clerk with such laws, in a book kept for such purpose in his office at the actual cost of the same, which actual cost shall be ascertained by the secretary of state, who shall notify the county auditor thereof, and the clerk shall sell said laws at the actual cost, and quarter-yearly after he received the same shall pay all moneys which may come into ds from such sales into the county treasury, and all such shall be considered a part of the general revenue of the All copies of the laws which are not disposed of to perieties, or institutions entitled to the same, or which are carefully preserved by the clerk, to be deliv-

ered to the officers of any new township, or new village, or hamlet, or to such officers entitled thereto, as may, by any unavoidable accident have lost their copies of the same.

SEC. 72. The secretary of state shall deliver to the governor for his own use, two copies of the laws, and one copy of the journals and documents; he shall deliver to the auditor of state and treasurer of state, each three copies of the laws, and one of the journals and documents; to each of the other executive officers of the state government, and to each trustee and superintendent of any state benevolent institution, each director and warden of the penitentiary, each member of the board of public works, each member of the state board of agriculture, and each member of the state board of charities, one copy of the same; and the secretary of state shall furnish the governor with such number of copies of each as will be necessary to furnish each state, and each of the departments of the general government of the United States, with a copy; and the secretary of state shall furnish the state librarian with five copies of each for the library.

SEC. 73. The journals, executive documents, and laws required to be printed and put up in book form, shall all be bound in half-law binding, and each journal and its proper appendix shall be bound in the same volume, unless, in the opinion of the secretary, the same makes a volume too large for convenience, in which case each journal shall be bound separately, and the appendixes shall be bound separately or together, as the secretary of state may direct.

SEC. 74. All copies of the journals, executive documents, reports and laws, which are not distributed under the provisions of this chapter, shall be preserved by the secretary of state, subject to future distribution by law or resolution.

SEC. 75. When, in any county in the state, the laws, journals, reports, and executive documents ordered by law to be distributed, have accumulated beyond the number required for immediate distribution, and for the probable future wants of such county, the county commissioners shall authorize the clerk of the court of common pleas of said county to dispose of what may be needed for that purpose, gratuitously, to all public libraries within

the county, as may be desired by them for library purposes. and to sell such surplus copies at public sale at such time and place, and upon such previous notice as they may require. The clerk shall pay all moneys arising from such sale into the county treasury, and all such moneys shall be a part of the general revenue of the county.

SEC. 77. Every law passed which contains no provision as to the time when it shall take effect, shall take effect on the first day of May next after its passage.

An act may be shown, by the journals of the general assembly, to have been passed before the date it bears, and when so shown it will speak from the day of its actual passage. State v. Mayor of Perrysburg, 14 Ohio St., 472; and the repealing clause takes effect at the same time as the rest of the act. McArthur v. Franklin, 16 Ohio St., 198.

Although an act may be expressly repealed, yet if it appear that it was intended that it should have temporary effect, the language of the repealing clause will be restrained accordingly. Debolt v. O. L. Ins. & Trust. Co., 1 Ohio St., 563.

An act which is to take effect and be in force from and after a day named, does not take effect until the expiration of the day named. Koltenbrock v. Cracraft, 36 Ohio St., 584, but an act which "shall take effect and be in force from and after its passage," takes effect on the day of its passage, and, in the absence of proof to the contrary, the presumption of law will prevail, that the act took effect from the commencement of the day. Arrowsmith v. Hamering, 39 Ohio Ohio St., 573.

SEC. 78. Whenever a law is repealed which repealed a former law, the former law shall not thereby be revived.

A right of action given by an act of 1816 against stockholders of unauthorized banks was, by an act of 1824, suspended, and this latter act was in 1840 repealed——Held: That the right of action under the act of 1816 was thereupon in full force, notwithstanding the provision of the act of 1809, which was the same as section 78. Kearney v. Buttles, 1 Ohio St., 362.

SEC. 79. Whenever a statute is repealed or amended, such repeal or amendment shall in no manner affect pending actions, prosecutions or proceedings, civil or criminal, and when the repeal or amendment relates to the remedy, it shall not affect pending actions, prosecutions or proceedings, unless so expressed; nor shall any repeal or amendment affect causes of such action, prosecution, or proceeding, existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing act.

From Revised Statutes of Ohio—Sections 79 and 2977.

Under this provision before the clause was inserted, that "when the repeal or amendment relates to the remedy it shall not affect pending actions," etc., a change in the statute relating to the competency of witnesses, applied to pending cases. Westerman v. Westerman, 25 Ohio St., 500; John v. Bridgman, 27 Ohio St., 22. And when a statute giving a right of action for causing death contained a limitation as to the time within which such suit might be brought, a repeal of the clause containing such limitation did not affect pending suits. P., C. & St. L. R. R. Co. v. Hine, 25 Ohio St., 629; State v. Washington Tp., 24 Ohio St., 603. And see Bergin v. State, 31 Ohio St., 111. Under a statute regulating appeals passed during the term at which a judgment was rendered, a party was not prevented from appealing, although the judgment was rendered before the passage of the act. Rouse v. Chappell, 26 Ohio St., 306. See also Hayes v. Armstrong, 7 Ohio, 1 pt. 247; Treasurer v. Lennington, 7 Ohio, 1 pt. 266.

Where a statute provided for an appeal, if the same should be perfected in ten days, and after the rendition of a judgment and before the expiration of ten days, this provision was repealed, and the repeal did not affect the right of appeal. Bode v. Welch, 29 Ohio St., 19.

Repeals by implication—not favored; but, notwithstanding the constitutional provision (Art. 2, Sec. 16), a subsequent statute revising the whole subject-matter of a former statute, and evidently intended as a substitute for it, although it contains no express words of repeal, operates as a repeal. Lorain P. R. v. Cotton, 12 Ohio St., 263; Lehman v. McBride, 15 Ohio St., 573; State v. Bell, 34 Ohio St., 194.

Amended act, how construed. An act passed in 1871 provided for an appeal "from any order, decision or decree made under an act regulating the mode of administering assignments in trust for the benefit of creditors," passed in 1859. In 1874 the act of 1859 was so amended as to include power to make orders in the insolvency proceeding: Held, that the act of 1871 gave the right of appeal from orders provided for in the act of 1859, as amended in 1874. Brigel v. Starbuch, 34 Ohio St., 280.

Express reference in an act to a particular statute form to be observed in proceedings, virtually incorporates the old statute into new; and if the former be in general terms repealed, it will, nevertheless, remain in force as to proceedings under the act; but where the reference is general to original and supplementary and amendatory acts, we must look to the law in force at the time the power is invoked. Clark v. Thomas, 34 Ohio St., 46. If the repealing act provided substantially the same remedy, the right might be prosecuted under it, though there was no express saving. Knoup v. Piqua Bank, 1 Ohio St., 603.

FROM PART II, TITLE XIV.

CHAPTER IV.

STATE, COUNTY AND TOWNSHIP ELECTIONS.

SEC. 2977. The sheriff of each county shall, at least fifteen days before the holding of any general election, and at least ten

days before the holding of any special election, for any officer named in the next section, give notice by proclamation throughout his county of the time and place of holding such election, and the officers at that time to be chosen, one copy of which shall be posted up at each of the places where elections are appointed to be held; and such proclamation shall also be inserted in some newspaper published in the county, if any is published therein.

SEC. 2978. All general elections for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, judge of the circuit court, judge of the common pleas court, senators and representatives to the General Assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and coroner, shall be held on the first Tuesday after the first Monday in November. All votes for any judge for any elective office, except a judicial office, under the authority of this state given by the General Assembly or the people, shall be void. [As amended March 24, 1886; 83 v. 35.]

SEC. 2979. The electors of each congressional district in this state shall biennially, on the first Tuesday after the first Monday in November, vote for a representative in the congress of the United States for the term commencing on the fourth day of March next thereafter. [As amended March 24, 1886; 83 v. 35.]

SEC. 2980. In not less than one nor more than five days after the election, or sooner, in case the returns are made, the deputy state supervisors shall proceed to open the several returns made to them, and make abstracts of the votes in the following manner, viz:

1st. Upon a single sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, and attorney-general.

2d. Upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools,

member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner, and representative to congress.

3d. And upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner, judge of the circuit court, judge of the common pleas court, representatives to congress, senators and representatives to the General Assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and coroner.

SEC. 2983. The deputy state supervisors shall make and certify duplicate copies of abstract number one, and inclose and seal the same, and indorse on the envelope "Certificate of the votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, and attorney-general" (either or all as the case may be), and the name of the county in which the votes were given; and shall direct and forward one copy thereof by mail to the president of the senate at Columbus, and shall deliver the other copy to a member of the General Assembly, who shall deliver the same to the president of the senate, at Columbus; and shall also forthwith make, certify, seal, and indorse, in manner aforesaid, a copy of abstracts numbers two and three, and transmit the same by mail to the secretary of state, at Columbus.

SEC. 2984. The president of the senate shall, during the first week of the session of the General Assembly, open and publish the abstracts of votes by him received, in conformity to the third section of the third article of the constitution of the state; but if the abstract from any county has not been received by him, recourse shall be had to abstract number two and three, in the office of the secretary of state.

SEC. 2985. If the General Assembly of the state should not be in session in January, previous to the second Monday thereof, next after an election for all or any of the executive officers of the

state, the governor and secretary of state shall, within five days thereafter, in the office of secretary of state, in the presence of at least of two of the judges of the supreme court, open the returns of abstract number two, made to the secretary of state, for said offices; and if such returns have not been received from all the counties, recourse shall be had for such delinquent counties to the returns of the abstract number three; and they shall forthwith proceed to ascertain the number of votes given for different persons for the several offices of governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, and attorney-general, as the case may be; and the person having the highest number of votes for any of the said offices shall be considered duly elected, and shall be so declared by the governor; but if it appear, from the returns of the abstracts aforesaid, that two or more persons have the highest and an equal number of votes for any of said offices, the governor shall communicate such fact to the General Assembly by message, at its first session thereafter. [As amended February 4,1885; 82 v. 52.]

SEC. 2993. If any number of persons greater than the number of county offices directed to be filled at any election have the highest and an equal number of votes, the deputy state supervisors aforesaid shall determine by lot which of the persons shall be duly elected; and if, at any election for senators or representatives to the General Assembly, there is no choice in any instance, on account of two or more persons having received the highest and an equal number of votes, the deputy state supervisors issuing the certificates of election shall publicly determine by lot who of those having such equal number of votes shall be elected; such decision by lot shall be made in their office aforesaid, at ten o'clock a. m. on the eighth day after the election; and in such case the deputy state supervisors shall not be required to forward the returns of the election until such decision by lot has been made. [As amended April 25, 1893; vol. 90, p. 281.]

SEC. 2995. The deputy state supervisors shall, without fee, ake, and, upon demand, deliver to the persons elected respec- ly to the offices of probate judge, clerk of the court of common s, sheriff, coroner, county auditor, county commissioner,

county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and senator and representative to the General Assembly, certificates of their election; and they shall also make, for any elector of his county, upon being paid one dollar therefor, an abstract of votes cast at any election to fill any of said offices. [As amended April 25, 1893; vol. 90, p. 281.]

FROM PART I, TITLE XV.

CHAPTER V.

CONTESTS OF ELECTIONS.

SECTION
2997. How appeal perfected in contest for county office.
2998. Who may take the testimony.
2999. Penalty for disobeying process of subpœna.
3000. Testimony to be transmitted to court.
3001. What is competent testimony, and how errors may be cured.
3002. When the court shall hear the case, and how costs adjudged.
3003. How appeal perfected in contest for member of general assembly.
3004. Mode of procedure in such cases.

COUNTY OFFICERS.

SEC. 2997. The right of a person declared duly elected to any county office, or to the office of probate judge, may be contested by any elector of the county, by appeal to the court of common pleas of the county, when the contestor files notice of such appeal with the clerk of such court, and gives notice thereof, in writing, to the contestee, or leaves such notice at the house where he last resided, on or before the thirtieth day after the day of election; and the notice shall state the grounds of contest, and the names of two justices of the peace before whom depositions will be taken, and the place, and a time not less than ten or more than twenty days from the day of service thereof, where and when the justices will attend to take the same.

The "appeal" in a contested election case must be perfected within the time limited by law, by filing and serving the proper notice, and a failure so to do deprives the tribunal, before whom it is to be tried, of jurisdiction. Ingerson v. Marlow, 14 Ohio St., 568; and the time within which the appeal may be taken, by a candidate or electors, counts from the date of the declaration of the clerk and justices. Taylor v. Wallace, 81 Ohio St., 151.

A notice of contest need not state facts sufficiently to constitute a good case for the contestor. Howard v. Shields, 16 Ohio St., 184; but the "points" upon which he relies must be stated with reasonable accuracy in the notice, in order that the contestee may be apprised of the general nature of the objections relied on; and if they do not comply with the requirements of the law, the remedy is by objecting to the evidence under them, and not by motion to dismiss. Ib.

If, taking the certificate and declaration of the clerk, and the justices called to his aid, in connection with the returns and the abstract, there is no ambiguity or uncertainty as to the date of the declaration, parol evidence, in the absence of fraud, is inadmissable for the purpose of fixing the time for taking the appeal. Taylor v. Wallace, supra.

The contestor must show in his notice of contest that he was a candidate or an elector at the election. Edwards v. Knight, 8 Ohio, 375.

SEC. 2998. Such justices, or either of them, or officers before whom depositions are taken in the case, are authorized and required to issue subpœnas for all persons whose testimony may be required by either party, and subpœnas *duces tecum* for the production of the books, papers, ballots, or things relating to such election; and they may compel the attendance of witnesses, and the production of everything named in the subpœnas.

SEC. 3000. The justices shall not receive any testimony upon any point not named in the notice; and when met they shall hear the testimony, and certify the same, under seal, including a copy of the notice, which shall be delivered to them by the contestor for that purpose, and the same shall be transmitted by them to the court of common pleas of the county, not less than thirty days after the date fixed in the notice to begin the taking of testimony; and the contest shall be heard and determined by the court, if then in session, and if not then in session, at the first term thereof thereafter.

SEC. 3001. On the trial either party may introduce oral testimony, or depositions of witnesses taken as provided in civil actions; and whenever any omission, defect or error occurs in the proceedings of an officer in declaring or certifying that a person was duly elected to an office, the same may be corrected by oral testimony offered at the hearing of any preliminary proceeding, or at the trial

Poll-books, duly certified and returned, are prima facie evidence of the of their contents; but this presumption will be rebutted by proof that

they are fraudulent and fictitious to such an extent as to render them wholly unreliable. Phelps v. Schroder, 26 Ohio St., 549.

When poll-books are impeached the burden of proving legal votes otherwise is thrown upon the party claiming them. Ib.

The original tally-sheets of an election duly authenticated, are prima facie evidence of the election of the person for whom they show a majority of the ballots cast to have been given; and no tally-sheet made after the dissolution of a board will impeach the original. State v. Donnenwirth, 21 Ohio St., 216.

In the trial of a contested election for a county office, before a court of common pleas, the general rule of evidence which requires the best evidence of which the case is susceptible to be produced, applies in respect to the contents of poll-books, tally-sheets, and the number and contents of ballots cast at such election, if the same are attainable. Sinks v. Reese, 19 Ohio St., 307.

Where the contestee, in a contest between opposing candidates, is adjudged not to have been legally elected, for the reason that the majority of the legal votes rejected, which the contestor would have received, was greater than the majority of the votes declared for the contestee, the contesttor will not be adjudged elected. In such case neither party is legally elected. Renner v. Bennet, 21 Ohio St., 431.

A judgment of the court of common pleas, in the case of a contested election, is not vacated, nor its force suspended, by the filing of a petition in error in the district court to reverse such judgment, and an order of a judge of the same, suspending the execution thereof, and a supersedeas, State v. Marion Co., 14 Ohio St., 515; nor will a peremptory mandamus be awarded against the county commissioners, to compel them to accept the official bond of a county office on behalf of a relator, who, on the hearing of a contest before the court of common pleas, was found not to have been elected, or entitled to such office, while such finding remains not reversed or set aside. Ib.

The finding and judgment of a court of common pleas, in a case involving a contested election, are subject to review, on error, in the district and supreme courts, and this is the case if no motion for a new trial has been interposed and overruled. Lehman v. McBride, 15 Ohio St., 572; Phelps v. Schroder, 26 Ohio St., 549.

SEC. 3002. Upon motion of either party, the court shall at once take up and determine any pending matter relating to the contest; otherwise the case shall be heard in the regular order of the docket; and the court shall render judgment against the party failing in the case for all the costs of the contest, including the costs of all depositions.

MEMBERS OF GENERAL ASSEMBLY.

SEC. 3003. The right of a person declared duly elected to the office of senator or representative in the General Assembly, may

be contested by any elector of the district or county, by appeal to that branch of the General Assembly to which such person is declared elected; and such elector shall serve the like notice, in the manner and within the time prescribed in section 2997.

SEC. 3004. The provisions of sections 2998, 2999, 3000 and 3001, shall apply to such contests, except that all testimony taken, and all matter relating to the contest, shall be sent to that branch of the General Assembly to which the contestee was declared elected, and be filed with the clerk thereof on or before the tenth day of the first session of the General Assembly after the election.

FROM PART III, TITLE I.

RIGHTS AND PRIVILEGES OF MEMBERS.

SEC. 5034. A member of the senate or house of representatives, or an officer of either branch of the General Assembly, shall be privileged from answering to any suit which may be instituted against him in a county other than the one in which he resides, upon a cause of action which accrued ten days before the first day of the session of the General Assembly of which he is an officer or a member, and all proceedings in actions to which any such person is a party shall be stayed during such session, and during the time necessarily employed in going thereto and returning therefrom.

SEC. 5457. The following persons are privileged from arrest, viz: members, clerks, sergeants-at-arms, door-keepers, and messengers of the senate and house of representatives, during sessions of the General Assembly, and while traveling to and from such sessions, allowing one day for every twenty-five miles of the distance, by the route most usually traveled; and whoever arrests any such person in violation of this provision shall forfeit and pay one hundred dollars, to be recovered by civil action in the name and for the use of the person injured.

SEC. 5458. No person shall be arrested during a sitting of the senate, or house of representatives, within the hall where such session is being held, or in any court of justice during the sitting

From Revised Statutes of Ohio—Sections 5458 to 5461.

of such court, or on the first day of the week, commonly called Sunday, or on the fourth day of the month of July.

SEC. 5459. Nothing in this subdivision contained shall be construed to extend to cases of treason, felony, or breach of the peace, or to privilege any person herein specified from being served at any time with a summons or notice to appear; and all arrests not contrary to the provisions herein contained, made in any place, or on any river or water-course within or bounding upon this state, shall be deemed lawful.

SEC. 5460. If, during a session of the General Assembly, a member or officer thereof be arrested upon a charge of treason, felony, or breach of the peace, notice thereof shall be given forthwith to the body with which he is connected, by the officer who issued the process upon which the arrest is made.

SEC. 5461. A person arrested contrary to the provisions of this subdivision shall be discharged by a writ of habeas corpus, or in a summary way, by a motion before the court from which the process is issued, at the cost of the party who sued out the process.

APPENDIX TO PART TWO.

FROM REVISED STATUTES OF THE UNITED STATES.

TITLE II.—THE CONGRESS.

CHAPTER I.

ELECTION OF SENATORS.

SECTION.	
14. When senators to be elected.	17. Vacancy during session of legislature.
15. Mode of election.	18. Election of senators certified.
16. Vacancy occurring before meeting of legislature.	19. Countersign of certificate.

SEC. 14. The legislature of each state which is chosen next preceding the expiration of the time for which any senator was elected to represent such state in congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for senator in congress from such state, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall be read, and if the same person has received a majority of all the votes in each house he shall be declared duly elected ator. But if the same person has not received a majority of the s in each house, or if either house has failed to take proceed- as required by this section, the joint assembly shall then

proceed to choose, by a viva-voce vote of each member present, a person for senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a senator is elected.

SEC. 16. Whenever on the meeting of the legislature of any state a vacancy exists in the representation of such state in the senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a senator for a full term.

SEC. 17. Whenever during the session of the legislature of any state a vacancy occurs in the representation of such state in the senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the state from which any senator has been chosen, to certify his election, under the seal of the state, to the president of the senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of the state.

PART THREE.

THE MANUAL

OF

LEGISLATIVE PRACTICE

OF THE

Seventy-Fourth General Assembly of Ohio.

ADOPTED UPON THE RECOMMENDATION OF

THE JOINT COMMITTEE ON RULES.

Revised and Rearranged by
ELLIOT HOWARD GILKEY

1900

THE JOINT COMMITTEE ON RULES.

ON THE PART OF THE SENATE.

HON. OSCAR SHEPPARD, *President Pro Tem*,	Preble County
HON. SAMUEL L. PATTERSON,	Pike County
HON. WM. G. BROREIN,	Auglaize County
HON. CHAS. D. WIGHTMAN,	Medina County
HON. WILLIAM LAWRENCE,	Muskingum County

ON THE PART OF THE HOUSE.

HON. A. G. REYNOLDS, *Speaker*,	Lake County
HON. J. D. SNYDER, *Speaker Pro Tem*,	Stark County
HON. CHAS. P. GRIFFIN,	Lucas County
HON. CHAS. L. SWAIN,	Hamilton County
HON. WM. E. FINCK, JR.,	Perry County

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OHIO MANUAL

Of Legislative Practice, 74th General Assembly, as adopted on the recommendation of the Joint Committee on Rules.

RULE 1.

ORGANIZATION OF THE TWO HOUSES.

SECTION 1. At the hour of ten o'clock, forenoon, of the day appointed for the beginning of any regular session of the General Assembly, the president of the senate, or in case of his absence or inability, the oldest man present who is a senator elect, shall take the chair and call the members elect to order, and shall appoint one of them clerk pro tempore; and the president or chairman shall then call over the senatorial districts in their numerical order, and as the same are called the persons claiming to be members shall present their certificates and take the oath of office. (Sec. 25, R. S.) Of the Senate.

SEC. 2. At the same time fixed for calling the Senate to order, the secretary of state, or in case of his absence or inability, the auditor of state, in the hall of the House of Representatives, shall take the chair and call the members elect to order, and appoint one of them clerk pro tempore; the several counties and districts of the state shall be called over by the officer presiding, in alphabetical order, and as the counties are called the members elect therefrom, or from the districts composed thereof, shall present their certificates, and take the oath of office. (Sec. 27, R. S.) Of the House.

(ORGANIZATION)

Evidence of membership.

SEC. 3. For all purposes of the organization of the Senate and House of Representatives of the General Assembly the certificate of election, from the proper board of election (Sec. 2994 and 2995 R. S.) of the proper county shall be held and considered as prima facie evidence of the right to membership of the person therein certified to be elected senator or representative.

RULE II.

OF OFFICERS AND THEIR ELECTION.

President pro tem. (Sec. 26, R. S.)

SECTION 1. After the senators elect have taken the oath of office, if there be a quorum present, the senate shall proceed to the election of a president pro tempore.

Speaker and Speaker pro tem. (Sec. 28, R. S.)

SEC. 2. After the representatives elect have taken the oath of office, if there be a quorum present, the house shall proceed to the election of a speaker, and a speaker pro tempore.

Statutory Officers. (Secs. 26–28, R. S.)

SEC. 3. Each house of the assembly shall elect for itself, immediately after the election of the presiding officers, a clerk, and five assistant clerks, to–wit: a journal clerk. a message clerk, an engrossing clerk, an enrolling clerk, and a recording clerk; a sergeant–at arms, a first assistant sergeant–at–arms, and a second assistant sergeant–at–arms; and in the House of Representatives a third assistant sergeant–at–arms; and the election shall be in the order herein stated, and by viva voce voting.

Additional Officers. (Sec. 29, R. S.)

SEC. 4. No additional assistant clerks or assistant sergeants–at–arms shall be elected or appointed in either branch of the General Assembly, except on the application of the clerk or sergeant–at–arms, stating the number necessary, and the passage of a resolution by such branch providing therefor; and such resolution may provide either for the election of such assistants, or for the appointment by the clerk and sergeant–at–arms, respectively.

(PRESIDING OFFICERS)

RULE III.

OF THE PRESIDING OFFICERS.

President of the Senate.

SECTION 1. The Lieutenant-Governor shall be President of the Senate, but shall vote only when the Senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President pro tem. [Sec. 16, Art. III, Const.]

Take the chair.

SEC. 2. The presiding officer of each house shall take the chair every day precisely at the hour to which their respective houses shall have adjourned, or taken a recess, and shall immediately call the members to order; and the Speaker of the House may examine and correct the journal before it is read.

Speaker to correct the journal.

May name a substitute.

SEC. 3. The presiding officer may name any member to perform the duties of the chair, such substitution not to extend beyond an adjournment for the day.

Shall preserve decorum.

SEC. 4. The presiding officer shall have a general supervision of the hall, and shall preserve order and decorum in the proceedings; and in case of any disturbance or disorderly conduct in the lobbies or in the galleries, he may cause the same to be cleared.

Shall sign acts, etc.

SEC. 5. The presiding officer shall, in the presence of the house over which he presides, and while the same is in session and capable of transacting business, sign all acts, addresses and joint resolutions, when passed by both houses (see rule 15, sec. 30); and all writs, warrants and subpoenas issued by the order of the said house shall be under his hand, attested by the clerk of said house, except as otherwise provided by law.

When the clerk shall call the House to order.

SEC. 6. In the absence of the presiding officer at the hour to which a house shall have adjourned or taken a recess, (except a substitute shall have been appointed by the chair as provided in sec. 3

(PRESIDING OFFICERS)

of this rule) the clerk of said house shall call the same to order, and the house shall proceed to choose a member to preside until the presiding officer shall be present.

Committees appointed by.

SEC. 7. The President of the Senate shall appoint all committees for the Senate, except the standing committees, unless otherwise ordered by the Senate, and the Speaker of the House of Representatives shall appoint all committees for the House, unless otherwise ordered by that body.

Appointment of pages. (Sec. 34, R. S.)

SEC. 8. The President of the Senate shall appoint three pages, and the Speaker of the House shall appoint five pages, who shall serve during the session of the General Assembly, unless sooner dismissed for cause by the officer appointing, or the branch in which they are appointed; and additional pages may be appointed or authorized by resolution of either branch.

RULE IV.

DUTIES OF MEMBERS.

Shall address the chair.

SECTION 1. Whenever a member of the General Assembly is about to address the house of which he is a member, he shall rise from his seat, or from the seat of any member tendered him for the purpose, and respectfully address the chair as "Mr. President" (if in the Senate), or as "Mr. Speaker" (if in the House). The chair shall announce him as "The Senator (or The Member) from ————" (naming his county), and if there be more than one member of that body from the said county, then the chair shall add the name of the member who is so recognized, who may then speak, from a seat as aforesaid, or from the stand.

Chair to name.

SEC. 2. In all cases the member who shall first rise and address the chair shall speak first; but when two or more members rise at once, the chair shall name the member who is first to speak.

Rule IV, Secs. 3 to 10.

(MEMBERS)

Shall not speak more than twice.

SEC. 3. A member shall not speak more than twice to the same question, except in committee of the whole, or by leave, and in speaking he shall confine himself to the question under debate, and avoid personalities.

Pertinent matter may be read.

SEC. 4. Any member may read, or cause to be read, without leave, as a part of the discussion, from books, papers or documents, any matter pertinent to the subject under consideration.

Call for question.

SEC. 5. Any member may call for a statement of the question, which the chair may give sitting.

Call for division of question.

SEC. 6. Any member may call for a division of a pending question, and the decision of the chair as to the divisibility shall be subject to appeal as in points of order.

Must vote unless excused.

SEC. 7. Every member present when the question is put shall vote, unless excused; — and a request to be excused from voting, or an explanation of a vote, shall *not be in order* after the house divides, or after the call of the yeas and nays has been commenced.

Excuse from voting.

SEC. 8. A member may request to be excused from voting, making a brief statement of his reasons for such request, and the question of granting the excuse shall be put to vote without further debate.

Explanation of vote.

SEC. 9. A member may explain his vote on a pending question, giving his reasons for such vote in a brief statement, provided the roll call has not been commenced on said question.

A quorum. How noted.

SEC. 10. When less than a quorum vote on any question, the chair shall forthwith order the clerk to call the names of those not voting, and if a quorum is present in the chamber but does not vote on the second calling of the roll, the chair shall order the clerk to note upon the journal the names of those present and not voting, and the presence of a quorum shall be declared.

Rule IV, Secs. 11 to 17.

(MEMBERS)

Decorum during speaking.

SEC. 11. While a member is addressing the chair, or while the chair is putting a question, or addressing the assembly, no one shall walk between the speaker and the chair, or between the chair and the members addressed.

Demand for yeas and nays.

SEC. 12. The yeas and nays may be demanded upon any question before it is put, and thereupon the clerk shall call the roll in alphabetical order. One member of the Senate, or two members of the House, shall be a sufficient number to demand a call of the yeas and nays in their respective houses.

No business in order during roll-call, except a call of the House.

SEC. 13. Upon a demand for the yeas and nays, and before the result is declared, the clerk shall, if demanded, read over the names of those voting in the affirmative, and of those voting in the negative for the information of the house; but after roll call has been commenced no motion or explanation shall be in order except a call of the house until the chair has announced the result of the ballot.

Call of the House may be demanded.

SEC. 14. A call of the Senate may be demanded at any time by any Senator, and a call of the House of Representatives may be demanded at any time by three members thereof. Upon such demand the roll shall be called by the clerk in alphabetical order, and the absentees noted and sent for, unless otherwise ordered by the body in which the call is made.

Demand for previous question.

SEC. 15. The previous question may be demanded in the respective houses, by one Senator, or three Representatives.

Member not to vote when individually interested.

SEC. 16. No member of the General Assembly shall vote on any question in the event of which he is individually interested.

Right of protest.

SEC. 17. Any member of the General Assembly may protest against any act or resolution of the house of which he is a member, and such protest, and the reasons therefor, shall, without alteration, commitment or delay, be entered upon the journal of the said house. (Sec. 2, Art. II Const. of Ohio).

RULE V.

QUESTIONS OF DECORUM.

When called to order.

SECTION 1. If any member of the General Assembly, in speaking or otherwise, transgress the rules of the house of which he is a member, the chair shall, or any member may, call him to order, and he shall take his seat until the question of order is decided.

Undebatable except on appeal.

SEC. 2. All questions of order shall be decided by the chair without debate, but such decisions shall be subject to an appeal on the demand of any two members of the house in which the question is pending. On such appeal no member shall speak more than once, and the chair, rising from his seat for the purpose, shall speak in preference to members on the appeal. (In the House of Representatives, the member making the appeal, may speak twice on the motion to appeal.)

May proceed—how.

SEC. 3. If the point of order be overruled, then the member called to order shall be at liberty to proceed as if no point of order had been raised; if the point of order be sustained, then the member called to order can not proceed except he be given leave by a majority of the members present.

Language to be reduced to writing.

SEC. 4. If a member call another to order for words spoken in debate, he shall reduce to writing the language which he deemed out of order, if requested to do so by the chair or by the member called to order.

Appeals to be printed in the journal.

SEC. 5. All questions of order from which an appeal shall have been taken, with the decisions thereon, shall be noted by the clerk, and put together at the end of the journal at each session, together with the reasons given by the chair for his decision.

(ORDER OF BUSINESS)

RULE VI.

OF ORDER OF BUSINESS.

Prayer.

Reading of the journal.

SECTION. 1. As soon as the Senate or House is called to order after an adjournment, prayer may be offered, and, a quorum being present, the journal of the previous day shall be read and approved, any necessary correction therein being made before its approval.

Order of business in the Senate.

SEC. 2. The order of business in the Senate shall be as follows:—

As soon as the Journal is read and corrected as aforesaid, the President shall call for the presentation of—

1. Petitions and Memorials.
2. Introduction of Bills.
3. Resolutions and Motions.
4. Bills for second reading.
5. Reports of Standing Committees in their order.
6. Reports of select Committees.
7. Bills for third reading.

This business shall be disposed of in the order in which it is arranged, and shall not be in order at any other time unless by leave of two-thirds of the Senators present.

Order of business in the House of Representatives Saturdays, etc.

SEC. 3. The order of business in the House of Representatives shall be as follows:—

After the Journal has been read and approved, the order of business on Saturdays, and on the first day on which a session is held each week, shall be as follows:

1. Presentation of petitions and memorials.
2. Resolutions and motions.
3. Introduction of bills—counties to be called in alphabetical order.
4. Bills for their second reading.
5. Reports of standing committees in their order.

(ORDER OF BUSINESS,

6. Reports of select committees.
7. Resolutions laid over under Sec. 5. Rule XVI.
8. Bills for their third reading.

On other days.

On all other legislative days, the order of business shall be as follows:

1. Bills for their third reading.
2. Resolutions laid over under Sec. 5. Rule XVI.
3. Reports of standing committees.
4. Reports of select committees.
5. Bills for their second reading.
6. Introduction of bills—counties to be called in alphabetical order.
7. Resolutions and motions.
8. Presentation of petitions and memorials.

This order of business shall not be changed, unless by unanimous consent, or a *suspension* of the rule.

Call of committees to be completed.

SEC. 4. If the calling of the committees be not completed on a given day, the presiding officer shall, on the subsequent day, on reaching "Reports of standing committees," commence with the committee next in order after that last called on the previous day.

Petitions to be referred without motion.

SEC. 5. Every petition and memorial shall be referred, on motion, without putting the question for that purpose, unless the reference be objected to at the time of its presentation.

Petitions may be ordered printed.

SEC. 6. No petition or memorial shall be printed unless by special order of the house to which it was presented. [Sec. 59, R. S.]

Receipt of messages in order—when.

SEC. 7. Messages from one branch of the General Assembly to the other, and communications from either branch of the Executive Department of the State, may be received, read and disposed of at any time, except when the chair is putting a question, while the yeas and nays are being called, or while ballots are being counted.

(ORDER OF BUSINESS)

Questions pending at recess hold their place.

SEC. 8. The interim between any two sessions of either house on the same day, or between two or more calendar days, when the said house shall so order, shall be termed a recess; and, on reassembling at the appointed hour, any question pending at the time of taking a recess, shall be resumed without any motion to that effect.

Hours for recess and adjournment.

SEC. 9. The hour to which each house shall stand adjourned from day to day shall be 10 o'clock A. M., and when either house takes a recess, it shall be until half past two o'clock P. M. of the same day; —provided, that each house may for itself provide for its own hours of adjournment and recess by a suitable resolution.

RULE VII.

OF STANDING COMMITTEES.

Standing committees of the Senate.

SECTION 1. The Standing Committees of the Senate shall be appointed by the Senate at the beginning of the regular session, in the following order, and to consist of the number of members as follows:

1. Judiciary .....(To be determined)
2. Finance 9
3. Municipal Corporations, No. 1..... 7
4. Municipal Corporations, No. 2..... 7
5. County Affairs..... 7
6. Common Schools and School Lands..... 7
7. Railroads and Telegraphs..... 9
8. Roads, Highways and Turnpikes 7
9. Corporations other than Municipal..... 7
10. Agriculture 7
11. Privileges and Elections..... 7
12. Public Works and Public Lands..... 7
13. Benevolent Institutions 7
14. Penitentiary 7
15. Insurance 7

Rule VII, Sec. 2.

(STANDING COMMITTEES)

16. Industrial School for Boys and Girls..... 7
17. Ditches and Drainage..... 5
18. Soldiers' and Sailors' Orphans' Home..... 7
19. School for Imbecile Youth..... 7
20. Soldiers' and Sailors' Home..... 7
21. Universities and Colleges..... 5
22. Manufactures and Commerce..... 5
23. Labor 7
24. Mines and Mining..... 7
25. Sanitary Laws and Regulations..... 7
26. Fees and Salaries..... 7
27. Federal Relations 7
28. Military Affairs 7
29. Fish Culture and Game..... 5
30. Public Printing 5
31. State Buildings 5
32. Public Expenditures 5
33. Geological Survey 5
34. Library 3
35. Claims 7
36. Medical Colleges and Societies..... 7
37. Revision 5
38. Enrollment (Joint Committee)..... 5
39. Rules 5
40. Taxation 7

The committee on Munic. Corp. No. 1 has charge of all matters effecting the cities of Cincinnati and Cleveland. All other municipal matters being assigned to committee "No. 2."

Standing committees of the House of Representatives.

SEC. 2. The standing committees of the House of Representatives shall be appointed at the commencement of the regular session, (by the Speaker, unless otherwise ordered by the House) in the order, and with a membership as follows:—

1. Agriculture ..... 9 members.
2. Asylums for the Insane..... 9 "
3. Blind Asylum ..... 7 "
4. Boys' Industrial School..... 7 "

Rule VII, Sec. 2.

(STANDING COMMITTEES) Of the House—Continued.

5.	Claims	7	members.
6.	Common Schools	7	"
7.	Corporations	7	"
8.	County Affairs	7	"
9.	Dairy and Food Products	7	"
10.	Deaf and Dumb Asylum	7	"
11.	Ditches, Drains and Water Courses	7	"
12.	Elections	7	"
13.	Enrollment (Joint Committee)	7	"
14.	Federal Relations	7	"
15.	Fees and Salaries	7	"
16.	Finance	9	"
17.	Fish Culture and Game	7	"
18.	Geology, Mines and Mining	7	"
19.	Girls' Industrial Home	7	"
20.	Institution for Feeble Minded Youth	7	"
21.	Insurance	7	"
22.	Judiciary	11	"
23.	Labor	7	"
24.	Library	7	"
25.	Manufactures and Commerce	7	"
26.	Medical Colleges and Societies	7	"
27.	Military Affairs	7	"
28.	Municipal Affairs	9	"
29.	Ohio Hospital for Epileptics	7	"
30.	Prisons and Prison Reforms	7	"
31.	Privileges	7	"
32.	Public Buildings and Lands	7	"
33.	Public Printing	7	"
34.	Public Ways	7	"
35.	Public Works	9	"
36.	Railroads and Telegraphs	9	"
37.	Revision	7	"
38.	*Rules	5	"

Speaker to be on Committee on Rules.

*The Speaker shall be included in the Committee on Rules, of which he shall be ex-officio a member,—with four other members.

39.	Soldiers' and Sailors' Home...	7	members
40.	Soldiers' and Sailors' Orphans' Home	7	"
41.	Taxation	9	"
42.	Temperance	7	"
43.	Turnpikes	7	"
44.	Universities and Colleges	7	"

Member may decline.

SEC. 3. Any member may decline to serve on any committee, if, at the time, he is a member of three other committees.

Chairmen of committees—how designated.

SEC. 4. The first named member of any committee shall be chairman, and in his absence the next named member present, unless the committee, by a majority, elect a chairman. The committees shall meet at the call of their chairman, except, that, in his absence or refusal to call a meeting of the committee, the committee may be called together by any two members thereof.

Meeting called, how.

Reports of committees—how made.

SEC. 5. The several standing or select committees shall have leave to report by bill, substitute, or otherwise,—but all reports of a committee shall be signed by a majority of its members before it can be received by the house or read at the clerk's desk. All reports of committees shall be read at the clerk's desk, by the clerk or by a member making the report, unless the house shall dispense with the said reading.

Reports shall be read at clerk's desk.

Minority reports.

SEC. 6. When a majority of a committee has submitted its report, the minority may present its views by a minority report made and read in like manner as is prescribed for the report of the majority of the committee.

Shall not sit—when.

SEC. 7. No committee shall sit during the daily sessions of its branch of the General Assembly, unless special leave thereof shall have been asked and obtained.

Notice to the author of hearing.

SEC. 8. The chairman of every committee shall, at some time before the final consideration of any

(STANDING COMMITTEES)

bill referred to his committee,—if objection be made to the bill, or if any material amendments be offered thereto in committee—give verbal or written notice to the author of the bill, fixing a time when he may be heard by the committee.

Author to appear, when.

SEC. 9. The committee on Enrollment, or the committee on Revision, may report at any time.

Motion to refer cannot be amended, but must be voted on.

SEC. 10. It shall not be in order to amend a motion to commit to one committee, or to the committee of the whole, by substituting the name of another committee; but if any other committee be suggested, a vote shall first be taken upon the reference to the first named committee, and if this be defeated, then a vote shall be taken upon the next named committee in the order in which the committees were suggested.

RULE VIII.

OF COMMITTEES OF THE WHOLE.

When in order.

SECTION 1. When a branch of the General Assembly shall be ready to proceed to the orders of the day, a motion to go into committee of the whole on the orders of the day shall have precedence of all other motions, except to adjourn, to take a recess, or for the previous question.

Chairman of.

SEC. 2. In forming the committee of the whole, the presiding officer shall leave the chair, and appoint a chairman, who shall preside and vote as other members.

Bills—how considered.

SEC. 3. In the committee of the whole, bills shall be read by the Chairman, or Clerk, and be considered by sections, unless it shall be otherwise directed by the committee, leaving the preamble to be last considered.

Papers not to be defaced.

SEC. 4. The body of the bill shall not be defaced or interlined, but amendments shall be noted by the Chairman or Clerk on a separate piece of paper,

(COMMITTEE OF THE WHOLE)

as the same are agreed to by the committee, and so reported to the house when the committee rises, as amendments proposed by the committee of the whole.

Amendments — how considered.

SEC. 5. After being reported, the bill and the amendments of the committee shall be immediately considered, unless otherwise ordered, but shall be subject to discussion or amendment.

Action of committee not the action of the House.

SEC. 6. The action of the committee of the whole is not the action of the branch of the assembly to which it belongs, but must be adopted or rejected by that body the same as other committee reports which come before it.

Rules.

SEC. 7. The rules of proceeding in committee of the whole shall be the same as in the two houses, so far as may be applicable.

Bills referred to in order.

SEC. 8. On the second reading of a bill the chair shall state that it is ready for commitment, and if no motion or order be made to the contrary, it shall be committed to the committee of the whole, to be considered in its order.

Day for hearing.

SEC. 9. When a bill has been referred to the committee of the whole, the house shall determine on what day it shall be considered by the committee.

RULE IX.

OF CONFERENCE COMMITTEES.

How asked for.

SECTION 1. In case of disagreeing votes between the two houses, it is in order for the house which last acted on the matter, upon being informed of the refusal of the other house to concur in its action, (1) to *recede*, (2) to *insist on its position and ask for a committee of conference*, or (3) to *adhere*. To *adhere* precludes a committee of conference.

How precluded.

How constituted.

SEC. 2. All committees of conference shall consist of three on the part of the Senate, and three

(CONFERENCE COMMITTEE)

on the part of the House, unless otherwise specially ordered by both houses.

What matters submitted to.

SEC. 3. After a bill or joint resolution has passed one house, and is amended and returned by the other house, it shall not be in order for either house to postpone such bill or joint resolution beyond the session; but all differences between the two houses relative to amendments may be submitted to a committee of conference.

Additional matters.

SEC. 4. Conference committees may be asked for on any differences of opinion between the two houses, and shall report to their respective houses

Reports.

the result of their deliberations. The report of a committee of conference shall always be in order, when the floor is not otherwise engaged.

In case of disagreement.

SEC. 5. Whenever a committee of conference shall report a disagreement of the committee, or whenever either house shall refuse to agree to the report of a committee of conference, and ask for another committee, succeeding committees of conference shall be appointed on the matters of difference, so long as the houses shall agree to their

Adherence precludes conference.

appointment. The first *adherence* on the part of either house, to its position, shall preclude further committees of conference on that question of difference. (Rule XVII, Sec. 7).

RULE X.

OF MOTIONS OR QUESTIONS.

To be in writing.

SECTION 1. Every motion shall be reduced to writing, if the chair or any member desire; and whenever an amendment is offered to any bill or resolution under consideration before either house, or an amendment to an amendment, it shall be forwarded to the clerk's desk, in writing, by the member proposing the same.

To be stated.

SEC. 2. When a motion is made and seconded, it shall be stated by the Chair, or read to the house, before debate.

May be withdrawn.

SEC. 3. After a motion is so stated, or read, it shall be considered to be in possession of the house, but may be withdrawn, by leave, at any time before its adoption or amendment.

Questions to be put in order.

SEC. 4. All questions, except privileged questions, whether in the house, or in the committee of the whole, shall be put in the order in which they are made, except that, in filling blanks, the largest sum or number, and the longest time, shall be first put.

Questions — how put.

SEC. 5. Questions shall be distinctly put in this form:—"You who are of the opinion (as the case may be) say 'Aye", and after the affirmative voice is expressed, "You who are of a contrary opinion say 'No". If the Chair be in doubt, or a division is demanded, those of the affirmative side of the question shall first rise from their seats and be counted, and afterward those of the negative side, and the Chair shall decide by count, and announce the number voting on each side.

Divisions.

Motion to refer is not subject to amendment.

SEC. 6. Motions to refer to one committee, can not be amended by a motion to refer to some other committee, but must be voted on before the later named reference is put to vote. (See Rule VII Sec. 10.)

To postpone to a day certain.

SEC. 7. A motion to postpone to a day certain, or to postpone indefinitely, having been decided, shall not be again allowed at the same stage of the bill or proposition.

Postponement to time certain.

SEC. 8. If a bill, resolution, or other matter be set for consideration on a certain day, it shall not be considered on an earlier day.

Motion to adjourn.

SEC. 9. A motion to adjourn is always in order except while a member is speaking, or the roll is being called on a vote, or during the call of the

house; but a motion to adjourn having been decided in the negative, shall not be entertained again until some motion, call, order or discussion shall have taken place.

To be decided without debate.

SEC. 10. The following questions shall be decided without debate, to-wit:

To adjourn.

To take a recess.

To lie on the table.

To take from the table.

To go into committee of the whole on the orders of the day. And

On all questions relating to the priority of business.

SEC. 11. Of motions to reconsider, see Rule XIII.

SEC. 12. Of motions in order of precedence, see Rule XI.

RULE XI.

OF QUESTIONS IN THE ORDER OF PRECEDENCE.

Precedence in the Senate.

SECTION 1. In the Senate, the following questions shall take precedence in the order named:

1. To adjourn.
2. To take a recess.
3. To lie on the table.
4. Previous question.
5. To proceed to the orders of the day.
6. To postpone to a day certain.
7. To commit.
8. To amend.
9. To postpone indefinitely.

Precedence in the House.

SEC. 2. In the House of Reprsentatives, when a question is under consideration, no motions shall be in order except the following, which shall have precedence in the order named:

1. To adjourn.
2. To take a recess.
3. To proceed to the orders of the day.
4. To lie on the table.

(PREVIOUS QUESTION)

5. For the previous question.
6. To postpone to a day certain.
7. To commit.
8. To amend.
9. To postpone indefinitely.

RULE XII.

OF THE PREVIOUS QUESTION.

How raised.

SECTION 1. Three members of the Senate, or five members of the House, may demand the previous question, which demand must be sustained by a majority vote, and which, until decided, shall preclude further debate, and all amendments and motions except one motion to adjourn, one to take a recess, and one to lie on the table.

Form of.

SEC. 2. The previous question shall be put in this form:

(*a*) For the Senate, — "Shall the main question now be put?"

(*b*) For the House of Representatives, "Shall the debate now close?"

No discussion while pending.

SEC. 3. All incidental questions, or questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Call in order — when.

SEC. 4. On a motion for the previous question, and prior to voting on the same, a call of the house shall be in order: but after the demand for the previous question shall have been sustained, no call shall be in order; and the house shall be brought to an immediate vote—first upon the pending amendments in the inverse order of their age, and then upon the main question.

When not sustained, has no effect on pending subject.

SEC. 5. If a motion for the previous question be not sustained, the subject under consideration shall be proceeded with the same as if the motion had not been made.

(RECONSIDERATION)

RULE XIII.

OF RECONSIDERATION.

In the Senate:

SECTION 1. Of reconsideration in the Senate;—

Motion may be made.

(*a*) A motion to reconsider a vote must be made by a Senator who voted with the prevailing side, except in case of the failure of a bill upon its final passage, when the motion may be made by any Senator who voted upon the question.

Procedure.

(*b*) When a bill or a resolution, upon which a vote has been taken, shall have gone out of the possession of the Senate, the motion to reconsider, if decided in the affirmative, shall carry with it a request for the return of the same.

Necessary vote.

(*c*) Before putting a motion to reconsider, the presiding officer shall distinctly state the number and title of the bill or resolution sought to be reconsidered, and the motion to reconsider must be carried by the same majority required to pass the bill or resolution originally.

Must be made within two days.

(*d*) A motion to reconsider a vote must be made within two legislative days after it was taken (not including Sunday, nor days when the Senate is not in session), and shall take precedence of all other questions, except a motion to adjourn.

In the House:

SEC. 2. Of reconsideration in the House of Representatives;—

Who may move to reconsider. Must be within three days.

(*a*) A motion to reconsider a vote must be made by a member voting with the prevailing side, and such motion to be in order must be made within the next three calender days of actual session of the House after such vote was taken; and the same shall take precedence of all other questions, except a motion to adjourn.

Necessary vote.

(*b*) The vote on any question may be reconsidered by a majority of the members, a quorum being present.

(RECONSIDERATION)

(*c*) When a bill or resolution is lost, and the vote is reconsidered, it shall not thereafter be committed to any other than a standing committee. Of bills lost.

SEC. 3. When a motion to reconsider is laid on the table, it shall not carry the bill or resolution with it. To lie on the table.

SEC. 4. A motion to reconsider a vote on any question, can be made but once.

RULE XIV.

OF THE YEAS AND NAYS.

SECTION 1. The yeas and nays shall be called on any question before either house, upon the desire of any two members thereof, and entered on the journal. (Sec. 9 Art. II Const.) Shall be called.

SEC. 2. The yeas and nays shall be called and entered on the journal: On what questions.

(*a*) Upon the election of all officers. (Sec. 33 R. S.).

(*b*) Upon the passage of all bills. (Sec. 9 Art. II Const.)

(*c*) Upon the adoption of all joint resolutions.

(d) Upon the adoption of all Senate and House Resolutions expending money.

(*e*) Upon motions to dispense with a constitutional rule. (See sec. 5 this rule.)

(*f*) Upon motions to suspend a legislative rule.

(*g*) Upon all confirmations, in the Senate, of appointments of the Governor. (Sec. 2 Art. VII Const.)

SEC. 3. A majority of those voting shall be necessary to a choice in the election of officers, (sec. 33 R. S.) except that, if there be no choice after ten ballots, then the person receiving the highest number of votes cast shall be declared elected. A majority of those voting elects officers.

SEC. 4. A majority of the votes of all the members elected to either house shall be necessary to: A majority of all the members necessary to do what?

(*a*) Pass a bill.

(YEAS AND NAYS)

(*b*) Adopt a joint resolution—(except as provided in Sec's. 6 and 7 of this rule).

(*c*) Adopt a Senate or House resolution expending money (except as provided in Sec. 6 below).

(*d*) Determine the right of a member to a seat.

Two-thirds vote on constitutional rule.

SEC. 5. If a motion is made to dispense with a constitutional rule, it shall require two thirds of all the members elected to either house to dispense therewith. (Sec. 16 Art. II Const.) Provided, that if the journal shows by one or more ballots immediately preceding, the presence of the necessary two thirds in the hall, the chair may, unless objection is made, suspend the rule by a viva-voce vote of all the members present, as in Sec. 5 Rule XXIV.

May be viva-voce.

Two-thirds vote necessary.

SEC. 6. A bill or resolution giving extra compensation to any officer, or paying any claim not provided for by pre-existing law, shall require for its passage or adoption the affirmative vote of two thirds of all the members elected to the house in which the bill or resolution is pending.

Three-fifths vote necessary.

SEC. 7. Upon all joint resolutions proposing amendments to the Constitution of Ohio, an affirmative vote of three fifths of all the members elected to each branch of the General Assembly is necessary to their adoption. (Sec. 1 Art. VI Const.)

To suspend these rules.

SEC. 8. It shall require the affirmative vote of two thirds of the members elected to each branch of the General Assembly to suspend the rules of the assembly. Provided, that each branch may, by a two thirds vote temporarily suspend the rule in its own conduct of affairs.

No motion in order during roll-call, except all of the se.

SEC. 9. After the clerk has commenced to call the yeas and nays on any question, no motion shall be in order until the result of the ballot has been announced by the chair. But, after the clerk has

finished the calling of the yeas and nays, and before the result has been declared by the chair, a call of the house shall be in order. A call in order.

SEC. 10. During the calling of the roll on any question no person other than the necessary clerks shall be permitted to remain at the clerk's desk. Only clerks at the desk.

SEC. 11. The yeas and nays shall be called alphabetically, and every member present when the question is put shall vote, unless the house excuse him. (See Rule V Sec. 7.) Must vote.

SEC. 12. When less than a quorum vote, those present and not voting shall be counted by the chair. (See Rule IV Sec. 10.) Counting those not voting.

SEC. 13. One Senator, or two Representatives, may demand the yeas and nays. (See Rule IV Sec. 12.) Any two members may require the yeas and nays to be spread upon the journal. (See Sec. 1 this rule.) Roll call may be demanded.

SEC. 14. On demand, the clerk shall read over the names of those voting on the affirmative and on the negative side of the question. (See Rule IV Sec. 13.) Names of those voting.

SEC. 15. A call of the house may be demanded by one Senator, or by three Representatives, in their respective houses. (See Rule IV. Sec. 14.) Call of the House.

RULE XV.

OF BILLS.

SECTION 1. Bills may originate in either house, but may be altered, amended or rejected in the other. (Sec. 15. Art. II Const.) Origin of bills.

SEC. 2. Every bill shall be introduced, and read the first time, on the report of a committee, or at the request of any member in the regular order of business, or by leave upon a statement of the object of the bill. Introduction and first reading.

SEC. 3. All bills shall have noted in the title a distinct reference to any section or law which is Must contain certain notations.

proposed to be amended or repealed, and the new matter sought to be introduced into the statutes shall be underscored in the body of the bill, so that it may be printed in italics for the information of members; and the clerk shall not send a bill to be printed until these requirements have been complied with by the author of the bill. (Rule XXI. Sec. 3.)

Not to be printed otherwise.

May be rejected.

SEC. 4. If opposition be made to a bill on its introduction and first reading, the question shall be put, "Shall the bill be rejected?" If the bill is not rejected, it shall pass to its second reading in regular order.

Shall be read on three days.

SEC. 5. Every bill shall be fully and distinctly read on three different days, unless in an emergency three-fourths of all the members elected to the house in which the bill is pending shall dispense with this rule. (See Sec. 16, Art. II Const.) but see also Sec. 5 Rule XIV.

Shall be printed and engrossed.

SEC. 6. All bills shall be printed and distributed for the use of the members, and an engrossed copy thereof made for the use of the clerk, (see Sec. 11 this Rule) before they shall be in order for second reading. But they shall, so far as possible, be read the second time in the order in which they were introduced.

Engrossed copy to be revised by Committee on Revision.

SEC. 7. Before the second reading of a bill, the engrossed copy thereof shall be referred to the committee on revision, and such committee shall carefully revise the phraseology thereof, and rearrange the sections where necessary, carefully preserving the true intent and meaning of such bill, and report the same to the house in which the bill is pending, whereupon it shall be placed on the calender in its proper order. No bill shall be read the second time in the house in which it originates until it shall be reported from the Committee on Revision.

Second reading and commitment.

SEC. 8. After the second reading of a bill, the Chair shall state that the bill is ready for commit-

ment, and if no order be made to the contrary, it shall be referred to the committee of the whole, to be considered in its order, at a time to be determined by the house.

Committee of the whole.

SEC. 9. Whenever a bill is referred to a committee of the whole, the house shall fix a time for its consideration.

May be ordered to third reading.

SEC. 10. A bill may, on its second reading, be ordered to the calendar for third reading without reference to a committee, in which case it takes precedence in the regular order among the bills for third reading. (See Sec. 12.) When a motion to order the bill to its third reading on a particular day is lost, it shall not preclude a motion to order it to a third reading on a different day, unless a division is called for;—but if, on a division, the house refuses to fix a time for the third reading of a bill, the bill shall be considered lost.

Order after a report from committee.

SEC. 11. When a bill is reported from a committee, it shall be in order:

(*a*) To vote on any amendments offered by the committee, (and if agreed to, the bill shall be re-engrossed before its third reading); or

(*b*) To order the bill to its third reading; or,

(*c*) To order the bill to the calendar for third reading in its regular order; or,

(*d*) To make it a special order for a time certain.

Amended bills noted on the calendar.

SEC. 12. In case a Senate or House bill has been amended before being read the third time, the clerk shall cause the calendar to contain a notice of the fact by entering the bill thereon as "Amended S. B." or "Amended H. B." as the case may be.

Third reading on calendar for second day.

SEC. 13. All bills or resolutions reported by a committee, or ordered to be read the third time without reference to committee, shall be placed on the calendar for the *second* day following the day

Calender shows two days' orders.

on which the report or order was made; and the calendar for each day shall show all bills or resolutions ordered to come before the body on the day following.

Special order two-thirds vote.

SEC. 14. Unless a bill is made a special order, (which may be done only by the affirmative vote of a majority of all members elected to either house,) it shall be placed on the calendar and read the third time in the order in which it was regularly ordered to the calendar; provided, that a bill or joint resolution which has been sent from the other house for concurrence, shall take precedence of all bills or resolutions which have not yet passed one house, except such as were on the unfinished calendar of the previous day.

Order of precedence on calendar.

Amendments may be engrossed in the house in which pending.

SEC. 15. Amendments made to a bill or resolution in either house shall be engrossed before the third reading of the bill, and bills containing such amendments shall be known thereafter as, and bear the title, "Amended S. B. No. ——" or, "Amended H. B. No. ——" as the case may be. An amendment made in one house, to bills or resolutions originating in the other house, shall be engrossed in the same manner as in bills or resolutions of the house in which the amendment is made.

Amendments to be engrossed.

SEC. 16. When a bill having passed one house is amended in the other, the amendments shall be engrossed on a separate piece of paper; the bill shall be fully re-engrossed as amended; and both shall be returned *with the original bill,* in a message to the house in which the bill originated. The message shall also state, in the body thereof, the exact language of the said amendments. In such engrossments, sections of bills or joint resolutions shall be carefully engrossed in a plain engrossing penmanship.

Message to contain amendments.

Rule XV, Secs. 17 to 21.

(OF BILLS)

A substitute shall be treated as amendment.

SEC. 17. When a bill shall have passed one house, and a substitute therefor is agreed to by the other house, the said substitute shall be treated as an "amendment" to the said bill, and the message between the two houses relating thereto shall definitely show, as in the case of other amendments, how the original bill is proposed to be amended.

Bills to be read in order, without a motion.

SEC. 18. When a house shall have reached the order of bills for third reading, bills standing in order on the calendar for third reading shall be taken up and read in order without a motion to that effect, unless the house by a two-thirds vote of all the members elected thereto shall order a suspension of the regular order. And in case any bill so standing on the calendar for third reading is not reached on a given day, it shall stand in its place on the calendars for each succeeding day, until it is read the third time in order.

To hold over.

On the passage.

SEC. 19. After a bill shall have been read the third time, the question shall be put by the chair "Shall the bill be passed?" and, in the absence of any other order of the house, or of any other motion to delay the consideration of the question, he shall direct the clerk to call the roll on the passage of the bill. And it shall not be in order to amend a bill after its third reading, except by the reference thereof to a committee with instructions to amend in such particular, only, as shall be ordered in said instructions.

Not subject to amendment, except—

One motion to refer with instructions not subject to amendment.

SEC. 20. A motion to refer a bill to a committee with instructions to amend one portion of the bill, cannot be amended by a motion to instruct the committee to amend some other part of the bill; but, one motion to refer does not preclude other motions to refer, after the first motion is disposed of.

Re-commitment.

SEC. 21. A bill may be re-committed at any time before its passage.

(OF BILLS)

Separate vote may be required oncertain items.

SEC. 22. On the passage of bills making appropriations of money, or on the question of concurring in the amendments of the other house to such bills, five members may demand a separate vote on any item or items contained therein, by yeas and nays entered on the journal, and every such item failing to receive a majority of the votes of all the members elected to that house, shall be stricken from the bill before the vote is taken upon its final passage.

The title.

SEC. 23. When a bill has passed either house, the clerk thereof shall read its title, and the presiding officer shall ask, "Is the title agreed to?" and when the title is agreed to, it shall be so engrossed on the back of the bill, with the certificate of the said clerk thereunder as to the passage of the bill in that branch of the General Assembly, which certified bill shall be transmitted without delay to the other house.

Passage to be certified.

Message shall not be delayed by motion to reconsider.

SEC. 24. A bill having passed one branch of the General Assembly, shall not be delayed in transmission to the other branch thereof because a motion to reconsider the vote by which it passed has been made and remains undisposed of; and when a motion to reconsider is made, and laid on the table, or postponed to a time certain, it shall not carry the bill or resolution with it.

Notice of bills rejected by.

SEC. 25. When a bill or resolution from one house, has been rejected or lost in the other house, notice thereof shall immediately be given to the house in which the measure originated, by appropriate message, in which the rejected bill or resolution shall be enclosed.

Bills not to be postponed beyond session.

SEC. 26. After a bill or resolution originating in one house has been amended and returned by the other house for concurrence in said amendments, it shall not be in order for either house to postpone

the bill or resolution beyond the session; but all differences between the two houses on the said amendments may be submitted to a committee of conference.

Enrollment.

SEC. 27. After a bill has passed both houses it shall be enrolled by the clerk of the house in which it originates.

Certificate of enrollment from committee.

SEC. 28. After a bill shall have been enrolled, it shall be examined by a joint committee of five members from each house, to be appointed a standing committee for that purpose, whose duty it shall be to compare the enrolled bill with the engrossed bill as it passed the two houses, and to correct any clerical errors which may be discovered, and to report forthwith to their respective houses, the report to each house to be signed by a majority of the joint committee.

After Committee on Enrollment reports, a bill cannot be acted on.

SEC. 29. No bill or resolution shall be subject to the action of either house by way of amendment, reconsideration or otherwise, after it shall have been reported to the said house as properly enrolled by the committee on enrollment.

Signature to bills passed.

SEC. 30. With the report of the committee on enrollment to the House of Representatives, shall be handed to the Speaker the engrossed and enrolled copies of every bill or resolution named in the report for the signature of the Speaker of the House of Representatives, who shall first sign all bills and joint resolutions passed by the General Assembly. They shall then be transmitted in a message to the President of the Senate, who shall affix his signature and date of the signing thereof, which date shall be held to be the date of the official passage of such bills or joint resolutions. Provided, that the President of the Senate shall not affix his signature to any such bill or joint resolution until the joint committee on Enrollment shall have reported

Not to be affixed until Enrollment Committee reports thereon.

to the Senate the correct enrollment thereof. The formal announcement of such action on the part of the presiding officers of the two houses shall be, "The President of the Senate, in the presence of the Senate, signs the said bills (or joint resolutions)" or, "The Speaker of the House of Representatives, in the presence of the House signs said bills (or joint resolutions)" as the case may be; and all bills and joint resolutions shall be signed in the presence of the respective houses, while in session and capable of transacting business. (Sec. 17 Art. II Const.)

The signing of.

Signed bills and resolutions to be filed with the Secretary of State.

SEC. 31. Immediately after the President of the Senate shall have fixed his signature to a bill or joint resolution, as provided in the above section of this rule, he shall cause the same to be delivered to the Clerk of the Senate, who shall forthwith file each bill or resolution so signed in the office of the Secretary of State, taking his receipt therefor, which receipt shall be filed with the papers of the Senate. The engrossed bills or joint resolutions, bearing the endorsements of the clerks of each house, shall, at the same time, be retained by the clerk of the Senate, and filed in his office for future reference.

RULE XVI.

OF RESOLUTIONS.

Introduction. Lie over for one day.

SECTION 1. Upon the introduction of resolutions, or upon their receipt from the other branch of the General Assembly, they shall be read by the clerk and placed on the calendar for consideration on the following day, without a motion to that effect, or without a notice of an intention to discuss.

Considered in regular order.

SEC. 2. When a resolution is reached on the calendar in regular order, the question shall be on the adoption of the resolution, unless some other order is made to refer, to postpone, or to discuss its provisions.

Rule XVI, Secs. 3 to 7.

(OF RESOLUTIONS)

Yeas and nays called—when

SEC. 3. The yeas and nays shall be called (See Rule XIV).—

(*a*) On the adoption of all joint resolutions; or,

(*b*) Upon the adoption of all resolutions of either house, involving the expenditure of money; or,

(*c*) Upon all resolutions involving the right of a member to a seat; or,

(*d*) Upon all resolutions having the force and effect of law.

Cannot appropriate by.

SEC. 4. No resolution shall be entertained which seeks to appropriate money (Sec. 22 Art. II Const.) except that the money appropriated by previous law for the contingent expenses of either branch of the General Assembly may be disbursed by that branch by resolution. (36 O. S. Rep. 324.)

Order.

SEC. 5. Resolutions may be offered in the regular order, by leave, under the head of miscellaneous business, or from committees.

Compensation fixed by.

SEC. 6. No compensation, allowance or perquisite other than that prescribed by law, shall be voted to any officer, employe or appointee of the General Assembly, and this rule shall not be altered or suspended in either house except after three days notice of such proposed suspension of the rule, and by the recorded vote of two-thirds of all the members elected to such house.

Certificate as to adoption.

SEC. 7. The adoption of all joint resolutions shall be certified by the presiding officers of the two houses, as provided in rule XV hereof;—but the adoption of the resolutions of each separate house where required to be certified, shall be attested by the clerk thereof who shall certify on the back of said resolution the day of its adoption, and the vote thereon, over his official signature.

RULE XVII.

OF AMENDMENTS.

No union of separate measures.

SECTION 1. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the General Assembly.

No action after enrollment report.

SEC. 2. No bill or resolution shall be subject to any action of a branch of the General Assembly, after the report of the committee on Enrollment has reported the correct enrollment of the bill or resolution.

No foreign subject can be admitted.

SEC. 3. No motion or proposition upon a subject other than the one under consideration, shall be permitted to be made under color of an amendment.

Question is devisible.

SEC. 4. When a proposition to amend includes a motion to strike out certain matter, and insert new matter in lieu thereof, the motion shall be deemed divisible, and upon such division of the question a refusal to strike out shall be equivalent to a rejection of the proposed amendment, but shall not stand in the way of further propositions to amend.

Substitutes — how treated

SEC. 5. Substitutes for bills or resolutions shall, for the purpose of amendment, be treated as original propositions.

Amendments require same vote as original proposition.

SEC. 6. Concurrence in one house, in amendments made to its bills or resolutions by the other house, shall require, by a call of the yeas and nays, as many votes as were required to pass the original bill or resolution.

Conference on amendments.

SEC. 7. In all cases of difference between the two houses relative to amendments, it is in order for the house which last acted on the matter, upon being informed of the refusal of the other house to concur in its action, to either.

(*a*) recede, or,

(*b*) to insist on its action and ask for a committee of conference, or

(c) to adhere.

To adhere, precludes a committee of conference. (See Rule IX Sec. 5).

SEC. 8. Of engrossment of amendments, see Rule XV Sec. 15–16.

RULE XVIII.

OF THE CALENDAR.

To be made for each day.

SECTION 1. The clerks of the Senate and of the House of Representatives shall cause to be printed a calendar for their respective branch, for each day, a copy of which shall be placed upon the desk of each Senator and of each Representative before the hour for opening the daily session. And the said calendar shall show all regular and special orders for the day, all bills for second reading, bills for third reading, bills in committee of the whole, resolutions laid over under the rule (sec. 1 rule XV) special orders for their respective houses, and other matters to come before the house in their order. The calender shall also show (see Sec 13 Rule XV), the bills for the succeeding day, so far as such house has indicated its order.

Bills for second reading.

SEC. 2. Bills for second reading shall be placed on the calendar and read the second time in the order of their first reading on the previous day, unless such regular order is interrupted by the printing or engrossment. (Rule XV Sec. 16).

Bills for third reading.

SEC. 3. Bills for their third reading, and special orders, shall be placed on the calendar in the priority in which they were ordered to the calendar.

Bills hold place, when.

SEC. 4. Bills on the calendar for their second or third reading, which are not reached in order, do not lose their respective places for that reason,

(CALENDAR)

but unless some other order is made shall take precedence on the calendar for the succeeding day or days, until disposed of.

Not to be taken up, when.

SEC. 5. No bill or resolution upon the calendar shall be taken up out of its order thereon, except by a two-thirds vote of all the members of the house in which the same is pending.

To go on for second day, when.

SEC. 6. All bills or resolutions reported by a committee, or ordered to be read the third time without reference to a committee, shall be placed on the calendar for the *second* day following the day on which the report or order was made; and the calendar for each day shall show all bills or resolutions ordered to come before the body on the day following. (Rule XV Sec. 13).

What takes precedence on.

SEC. 7. A bill or joint resolution which has been sent from the other house for concurrence, shall take precedence, on the calendar of each house, of all bills or joint resolutions which have not yet passed one house, except such as were on the unfinished calendar of a previous day.

SEC. 8. Every bill shall be referred to the committee on Revision before it shall be put on the calendar for second reading. (See Sec. 2, Rule XV).

Amended bills to be noted, how.

SEC. 9. In case a Senate or House bill has been amended before being read the third time the clerk shall cause the calendar to contain a notice of the fact by entering the bill thereon as "Amended S. B." or "Amended H. B." as the case may be.

Special orders, how.

SEC. 10. Any matter may be made a special order for a particular hour of any day, by the affirmative vote of a majority of all the members elected to either house. (Sec. 14 Rule XV).

RULE XIX.

OF PETITIONS AND MEMORIALS.

Referred without motion.

SECTION 1. Every petition and memorial shall be referred, on motion, without putting the

question for that purpose, unless the reference be objected to at the time of its presentation.

SEC. 2. No petition or memorial shall be printed unless by special order. (Sec. 59 R. S.) Not to be printed unless ordered.

RULE XX.

OF MESSAGES.

SECTION 1. All messages shall be conveyed by the Sergeant-at-Arms of the house from which they are sent; and in case of the absence or inability of the sergeant-at-Arms, then by such person as the President or Speaker (as the case may be) may designate for that purpose. How sent.

SEC. 2. When a message shall be sent by either house to the other, it shall be immediately announced at the bar of the house to which it is sent, by the Sergeant-at-Arms, and shall be by the bearer delivered to the Clerk of the other branch at his desk, who shall read the same in accordance with the rules and orders of the house to which it is sent. How received.

SEC. 3. Messages from one house to the other, and communications from either branch of the Executive Department of the State, may be received, read and disposed of at any time, except when the chair is putting a question, while the yeas and nays are being called, or while ballots are being counted, unless objection is made to the reading, when the house shall decide. When in order.

SEC. 4. When a bill or joint resolution shall have passed either house, notice thereof shall forthwith be given to the other house. Notice to be given.

SEC. 5. When a bill or joint resolution which shall have been passed in one house is rejected in the other, or postponed beyond the session thereof, notice shall be given to the other house. Notice to be given.

SEC. 6. When any bill shall have passed one house, and shall be amended in the other, the Amendments transmitted—how.

Amendments and substitutes.

amendments shall be engrossed upon a separate piece of paper, and the bill as amended shall be fully engrossed, and both returned, with the engrossed bill received from the other house, to the house in which it originated. In such engrossments, sections of bills and joint resolutions amended shall be engrossed in a plain engrossing hand. Whenever a bill shall be passed in one house and sent to the other, and a substitute therefor is agreed to by such house, in the communication between the houses such substitute shall be designated and treated as an amendment to the original bill, and the message relating thereto shall definitely show, as in the case of other amendments, how the original bill is amended.

When not to be delayed by motion to reconsider.

SEC. 7. No bill having been passed or resolution adopted shall be delayed in transmission to the other house because a motion for reconsideration has been made and remains undisposed of. When a motion to reconsider is laid upon the table it shall not carry the bill or resolution with it.

RULE XXI.

OF PRINTING.

Bills to be printed before action.

SECTION 1. All bills or joint resolutions shall be printed and distributed for the use of members, and an engrossed copy thereof made for the clerk, before final action on said resolutions in either house, or before the second reading of said bills.

Calendars.

SEC. 2. The Clerks of each house shall cause a calendar of each branch to be printed and placed upon the desk of each Senator and Representative, daily, before the opening of the morning or daily session, as provided in Sec. 1, Rule XVIII.

Bills must contain certain notations.

SEC. 3. All bills shall have noted in the title a distinct reference to any section or law which is proposed to be amended or repealed, and the new matter

sought to be introduced into the statutes shall be underscored in the body of the bill, so that it may be printed in italics, for the information of members. And the clerk shall not send a bill to be printed until these requirements have been complied with by the author of the bill (Rule XV Sec. 3).

Petitions and memorials.

SEC. 4. No petition or memorial shall be printed unless by special order of the Senate or House of Representatives.

Number of bills, resolutions, etc., to be printed.

SEC. 5. The state printer shall print three hundred and sixty copies of all bills, resolutions and calendars sent him to be printed by the clerk of either house, and no extra copies of the same shall be printed unless the extra printing be ordered by a joint resolution of the two houses within ten days of the printing of said 360 copies and their delivery to the clerks. And if the said extra copies are ordered within ten days as above specified, the printer shall furnish the same without charge for composition for said extra copies. (Sec. 59, R. S.)

Extra copies.

The law on legislative printing.

SEC. 6. Sections 56, 57, 58, 59 and 60 of the Revised Statutes of Ohio, are reprinted in this Manual, for the convenient guidance of the Members and Officers of the Assembly. (See Part Two).

RULE XXII.

OF JOINT ASSEMBLY.

Shall be held in hall of the House.

SECTION 1. Whenever the two branches of the General Assembly shall convene for any purpose required by the Constitution or Laws of the State, such convention shall be held in the hall of the House of Representatives, unless otherwise ordered by joint resolution of the two branches. During all such conventions each branch shall be held to be in session as a separate branch of the General Assembly, and be governed by its own rules; and except in voting at elections, where each member

(JOINT ASSEMBLY)

is entitled to a separate vote, shall act as such, and no question shall be considered as carried otherwise than by the concurrent action of both branches; provided, that either branch may, by a vote of a majority of all its members, dissolve such convention by withdrawing therefrom; and such convention may, by the concurrent vote of the two branches, take a recess, or adjourn to a time certain; but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch, nor to prevent either from proceeding with its usual business during such recess or adjournment of the convention.

May be adjourned, recessed, or dissolved, how.

Majority necessary.

SEC. 2. In all elections in joint session a majority of the votes cast shall be necessary to a choice.

RULE XXIII.

OF VISITORS.

Visitors may be admitted.

SECTION 1. When either branch of the General Assembly is in session, no person shall be admitted within the bar of the Senate, or within the Hall of the House of Representatives, except the following:

Who may be admitted under the rule.

(*a*) Members of the two houses,

(*b*) Clerks and other officers of the two houses,

(*c*) Persons charged with any message or communication from either house,

(*d*) Clergymen, by invitation of the presiding officer,

(*e*) The Governor of Ohio,

(*f*) The Governor of any other State,

(*g*) Judges of the Courts of this State,

(*h*) Heads of the different departments,

(*i*) Members of the Congress of the United States,

(*j*) Members of previous General Assemblies, and

(VISITORS)

(*k*) Persons especially invited to be present by a member of the General Assembly.

The raised platform reserved for members.

SEC. 2. The raised platform appropriated for the desks and seats of members, in either house, is reserved for them, and no person not a member or officer of either house shall not be permitted thereon.

No smoking.

SEC. 3. No smoking shall be permitted within the bar of the Senate, or in the body of the hall of the House of Representatives.

Use of chambers not permitted to others.

SEC. 4. The use of the Senate Chamber or of the Hall of the House of Representatives shall not be granted for other than legislative purposes, by resolution or otherwise, unless two-thirds of the members elected to such house concur therein.

Reporters and stenographers.

SEC. 5. Reporters for newspapers, and stenographers wishing to report the proceedings or debates, may be admitted within the bar of the Senate by the President thereof, or in the body of the hall of the House of Representatives by the Speaker thereof, and assigned such places as shall not interfere with the convenience of the Assembly; and the names of the persons so admitted, and the names of the newspapers for which they respectively report, shall be announced to the house to which they are admitted as aforesaid, by the chair, and entered on the journal.

Complaints for abuse of privileges.

SEC. 6. Upon complaint in writing by any member that any reporter or stenographer so admitted has abused the privileges granted him under the preceding section, the chair shall refer the complaint to the standing committee on Privileges, which committee shall notify the person so complained of of the time and place for a hearing of the matter. And if such accusation be sustained, such person shall, on the report of the committee, be debarred from said privileges.

Duty of sergeant-at-arms.

SEC. 7. It shall be the duty of the Sergeant-at-Arms and his assistants to prevent infractions of the rules of decorum of the Assembly.

RULE XXIV.

OF CHANGE OR SUSPENSION OF THE RULES.

These rules are the joint act of two houses.

SEC. 1. These rules are the joint act of the Senate and House of Representatives, each assenting to their adoption on recommendation of the Joint Committee on Rules, as herein set forth.

Practice shall be generally uniform.

SEC. 2. The practice in the two houses shall be uniform in legislative proceedings, except where differences in usage are specifically mentioned in these rules; but either house may propose such joint alterations of the rules as may to it seem proper, such proposition to be made either by a joint resolution to that effect, or through a conference on the part of the joint committee on rules.

Temporary suspension.

SEC. 3. Either house may temporarily suspend the operation of any rule by a two-thirds vote of all the members elected to said house.

Adherence may be withdrawn.

SEC. 4. Either house may withdraw its adherence to any rule (not laid down by law or the Constitution) by a resolution to that effect duly entered on its journal, and certified to the other house, upon the affirmative vote of three-fourths of all the members elect.

Rules suspended—how.

SEC. 5. Upon the question of a suspension of a rule, or of dispensing with a constitutional rule in an emergency, the yeas and nays shall be called and entered on the journal, except that (Sec. 5, Rule XIV) if the journal shows, by one or more ballots immediately preceding, the undisputed presence of the necessary number of members to suspend said rule, the chair may put the question by a viva-voce vote, and if the affirmative vote be unanimously in favor of the suspension of said rule, he shall declare the motion

Rule XXIV, Sec. 6.

(RULES)

carried by the constitutional majority, and the calling of the roll may be dispensed with.

Manual of the National House of Representatives.

SEC. 6. The Manual of the House of Representatives in the Congress of the United States shall be received as the rule in all cases not provided for in the foregoing rules, except where the house in which a matter is pending may by a yea and nay vote determine otherwise; and in cases not provided in the said Manual of the National House of Representatives, Cushing's Law and Practice of Legislative Assemblies shall be the rule.

Cushing's Manual.

PART FOUR.

OFFICIAL DIRECTORY

OF THE

MEMBERS, OFFICERS AND STANDING COMMITTEES

OF THE

SENATE

OF THE

Seventy-Fourth General Assembly of Ohio.

1900-1901.

OFFICERS OF THE SENATE.

Office.	Name.	P. O. Address.
President	Lieut. Gov. John A. Caldwell.	Cincinnati.
President pro. tem	Senator Oscar Sheppard	W. Alexandria.
Clerk	W. B. Uhl	Cleveland.
Assistant Clerk	Elliot Howard Gilkey	Columbus.
Assistant Clerk	W. E. Smith	Moons.
Journal Clerk	Thomas Maxwell	Prairie Depot.
Message Clerk	A. B. Craft	Cleveland.
Engrossing Clerk	Chas. O. Rea	Circleville.
Enrolling Clerk	Richard Lynch	Youngstown.
Recording Clerk	W. D. Howells, Jr	Jefferson.
Assistant Engrossing Clerk	Thomas E. Murtaugh	Cleveland.
Sergeant-at-Arms	L. S. Pardee	Akron.
First Ass't Sergeant-at-Arms	J. M. Beckett	St. Clairsville.
Second Ass't Sergeant-at-Arms	Henry W. Moody	Whittlesey.
Third Ass't Sergeant-at-Arms	F. A. Issleib	Marion.
Fourth Ass't Sergeant-at-Arms	H. M. Roach	Caldwell.
Fifth Ass't Sergeant-at-Arms	Elmer E. Blazier	Gallipolis.
Sixth Ass't Sergeant-at-Arms	John J. Brady	Cincinnati.

ASSISTANT CLERKS OF THE SENATE.

MEMBERS OF THE OHIO SENATE—1900-1901.

Name.	Politics.	District.	County.	P. O. Address.	Occupation.
Archer, Frank B.	R	20-22	Belmont ...	Bellaire.....	Contractor.
Bright, Sam'l H..	R	9-14	Hocking ..	Logan.....	Attorney-at-Law.
*Brorein, Wm. G..	D	32	Auglaize....	Buckland.....	Merchant.
Brown Chas. E....	I R	1	Hamilton...	Cincinnati.....	Attorney-at-Law.
*Cohen, Alfred M.	D	1	Hamilton...	Cincinnati.....	Attorney-at-Law.
*Dodge, Martin ...	R	25	Cuyahoga..	E. Cleveland....	Real Estate.
Dunham, Geo. C..	R	33	Lucas	Toledo.....	Oil Producer.
Elmer, Fred C....	R	25	Cuyahoga..	Cleveland.....	Manufacturer.
Hanna, H. Perry..	R	8	Gallia.....	Gallipolis.....	Insurance.
Harding, W. G...	R	13	Marion.....	Marion.....	Editor.
‡Harbaugh, T. J...	R	33	Wood.....	Bowling Green..	Minister.
Howard, Ed. D....	R	10	Franklin...	Columbus.....	Attorney-at-Law.
Hurst, J. E.....	D	18-19	Tuscarawas	N. Philadelphia..	Real Estate.
Lawrence, Wm....	D	15-16	Muskingum	Zanesville.....	Editor.
*Long, Geo. S.....	D	12	Miami	Troy.....	Attorney-at-Law.
Marchant, T. W...	R	5-6	Fayette ...	Washington C. H	Wholesale Groc
Madden, A. W....	R	5-6	Clinton ...	Wilmington.....	Retired.
Middleton, E. P...	R	11	Champaign.	Urbana.....	Attorney-at-Law.
*Mitchell, John....	D	30	Ottawa.....	Port Clinton.....	Lumber.
Myers, Jos. L.....	D	18-19	Coshocton..	New Guilford....	Mechanic.
Nippert, Carl L...	R	1	Hamilton..	Cincinnati.....	Attorney-at-Law.
Patterson, S. L...	R	7	Pike.....	Waverly.....	Attorney-at-Law.
Roudebush, W F..	D	2-4	Clermont...	Batavia.....	Attorney-at-Law.
Royer, John C....	D	31	Seneca.....	Tiffin.....	Attorney-at-Law.
*Sheppard, O.....	R	3	Preble.....	W. Alexandria...	Attorney-at-Law.
Sieber, Geo. W....	R	24-26	Summit....	Akron.....	Attorney-at-Law.
*Stivers, Emmons..	D	2-4	Brown.....	Vanceburg.....	Attorney-at-Law.

* Members of Seventy-third General Assembly.

‡ Residence changed after election from Kalida, Putnam County, to Bowling Green in same district. Also member Seventy-second General Assembly.

MEMBERS OF THE OHIO SENATE — 1900-1901 — Concluded.

Name.	Politics.	District.	County.	P. O. Address.	Occupation.
¶Wilhelm, G. W....	R	21	Stark.....	Justus.....	Merchant.
Williams, W. M...	D	17-28	Morrow....	Marengo.....	Retired.
Wirt, Benj. F.....	R	23	Mahoning..	Youngstown.....	Attorney-at-Law.
*Wightman, C. D...	R	27-29	Medina.....	Medina.....	Attorney-at-Law.

¶ Member of the Sixth-eighth and Seventy-second General Assembly.
* Members of the Seventy-third General Assembly.

ASSISTANT SERGEANTS-AT-ARMS OF THE SENATE.

STANDING COMMITTEES OF THE OHIO SENATE.

ALPHABETICALLY ARRANGED.

COMMITTEE ON AGRICULTURE.

1. Martin Dodge (R), *Chairman,* . Of Cuyahoga.
2. Arthur W. Madden (R) . . Of Clinton.
3. H. Perry Hanna (R) . . . Of Gallia.
4. J. Edward Hurst (D) . . Of Tuscarawas.
5. George W. Sieber (R) . . . Of Summit.
6. Joseph L. Myers (D) . . . Of Coshocton.
7. W. F. Roudebush (D) . . . Of Clermont.

COMMITTEE ON BENEVOLENT INSTITUTIONS.

1. H. Perry Hanna (R), *Chairman,* . Of Gallia.
2. Samuel H. Bright (R) . . Of Hocking.
3. Benj. F. Wirt (R) . . . Of Mahoning.
4. Joseph L. Myers (D) . . . Of Coshocton.
5. Thomas J. Harbaugh (R) . . Of Putnam-Wood.
6. Oscar Sheppard (R) . . . Of Preble.
7. W. F. Roudebush (D) . . . Of Clermont.

COMMITTEE ON CLAIMS.

1. Geo. W. Wilhelm (R), *Chairman,* . Of Stark.
2. Samuel H. Bright (R) . . Of Hocking.
3. Arthur W. Madden (R) . . Of Clinton.
4. Alfred M. Cohen (D) . . Of Hamilton.
5. Charles D. Wightman (R) . . Of Medina.
6. George S. Long (D) . . . Of Miami.
7. William Lawrence (D) . . . Of Muskingum.

COMMITTEE ON COMMON SCHOOLS AND SCHOOL LANDS.

1. Carl L. Nippert (R), *Chairman,* . Of Hamilton.
2. George W. Sieber (R) . . Of Summit.
3. Evan P. Middleton (R) . . . Of Champaign.
4. Alfred M. Cohen (D) . . . Of Hamilton.
5. W. G. Brorein (D) . . . Of Auglaize.
6. Sam'l L. Patterson (R) . . Of Pike.
7. W. F. Roudebush (D) . . . Of Clermont.

COMMITTEE ON CORPORATIONS OTHER THAN MUNICIPAL.

1. Samuel H. Bright (R), *Chairman,* Of Hocking.
2. Thomas W. Marchant (R) . . Of Fayette.
3. Charles E. Brown (I R) . . Of Hamilton.
4. George S. Long (D) . . . Of Miami.
5. Carl L. Nippert (R) . . . Of Hamilton.
6. John C. Royer (D) . . . Of Seneca.
7. Alfred M. Cohen (D) . . . Of Hamilton.

COMMITTEE ON COUNTY AFFAIRS.

1. Alfred M. Cohen (D), *Chairman,* Of Hamilton.
2. Arthur W. Madden (R) . . Of Clinton.
3. Evan P. Middleton (R) . . . Of Champaign.
4. Emmons B. Stivers (D) . . Of Brown.
5. Thomas W. Marchant (R) . . Of Fayette.
6. Joseph L. Myers (D) . . . Of Coshocton.
7. Fred C. Elmer (R) . . . Of Cuyahoga.

COMMITTEE ON DITCHES AND DRAINS.

1. Wm. Williams (D), *Chairman,* . Of Morrow.
2. Joseph L. Myers (D) . . . Of Coshocton.
3. Thomas J. Harbaugh (R) . . Of Putnam.
4. Warren G. Harding (R) . . Of Marion.
5. Arthur W. Madden (R) . . Of Clinton.

COMMITTEE ON ENROLLMENT

1. Edw. D. Howard, (R) *Chairman,* . Of Franklin.
2. Charles E. Brown (R) . . Of Hamilton.
3. John C. Royer (D) . . . Of Seneca.
4. Arthur W. Madden (R) . . Of Clinton.
5 William Lawrence (D) . . . Of Muskingum.

COMMITTEE ON FEDERAL RELATIONS.

1. Emmons B. Stivers (D), *Chairman,* Of Brown.
2. William Williams (D) . . Of Morrow.
3. H. Perry Hanna (R) . . . Of Gallia.
4. Thomas W. Marchant (R) . . Of Fayette.
5. Evan P. Middleton (R) . . . Of Champaign.
6. Benjamin F. Wirt (R) . . Of Mahoning.
7. Arthur W. Madden (R) . . Of Clinton.

COMMITTEE ON FEES AND SALARIES.

1. J. Edward Hurst (D), *Chairman,* Of Tuscarawas.
2. John C. Royer (D) . . . . Of Seneca.
3. Charles D. Wightman (D) . . Of Medina.
4. Oscar Sheppard (R) . . . Of Preble.
5. George W. Wilhelm (R) . . Of Stark.
6. Martin Dodge (R) . . . Of Cuyahoga.
7. Thomas J. Harbaugh (R) . . Of Putnam.

COMMITTEE ON FINANCE.

1. Samuel L. Paterson, (R), *Chairman.* Of Pike.
2. William G. Brorein (D) . . Of Auglaize.
3. Martin Dodge (R) . . . Of Cuyahoga.
4. Thomas W. Marchant (R) . . Of Fayette.
5. George C. Dunham (R) . . . Of Lucas.
6. George W. Sieber (R) . . Of Summit.
7. J. Edward Hurst (D) . . . Of Tuscarawas.
8. John C. Royer (D) . . . Of Seneca.
9. H. Perry Hanna (R) . . . Of Gallia.
10. Frank B Archer (R) . . . Of Belmont.
11. Warren G. Harding (R) . . Of Marion.
12. Oscar Sheppard (R) . . . Of Preble.
13. William Lawrence (D) . . . Of Muskingum.

Standing Committees of Senate.

COMMITTEE ON FISH-CULTURE AND GAME.

1. Arthur W. Madden (R), *Chairman,* Of Clinton.
2. Thomas J. Harbaugh (R) . . Of Putnam.
3. Samuel H Bright (R) . . . Of Hocking.
4. William G. Brorein (D) . . Of Auglaize.
5. Carl L. Nippert (R) . . . Of Hamilton.
6. John Mitchell (D) . . . Of Ottawa.
7. W. F. Roudebush (D) . . . Of Clermont.

COMMITTEE ON GEOLOGICAL SURVEY.

1. John Mitchell (D), *Chairman,* . Of Ottawa.
2. Joseph L. Myers (D) . . . Of Coshocton.
3. Arthur W. Madden (R) . . Of Clinton.
4. Edward D. Howard (R) . . Of Franklin.
5. Thomas J. Harbaugh (R) . . Of Putnam.

COMMITTEE ON INDUSTRIAL SCHOOL FOR BOYS AND GIRLS

1. Samuel H. Bright (R), *Chairman,* Of Hocking.
2. Edward D. Howard (R) . . Of Franklin.
3. H. Perry Hanna (R) . . . Of Gallia.
4. William Williams (D) . . Of Morrow.
5. Samuel L. Patterson (R) . . Of Pike.
6. Emmons B. Stivers (D) . . Of Brown.

COMMITTEE ON INSURANCE.

1. Thos. W. Marchant (R), *Chairman,* Of Fayette.
2. Samuel L. Patterson (R) . . Of Pike.
3. H. Perry Hanna (R) . . . Of Gallia.
4. Martin Dodge (R) . . . Of Cuyahoga.
5. Edward D. Howard (R) . . Of Franklin.
6. Emmons B. Stivers (D) . . Of Brown.
7. W. F. Roudebush (D) . . . Of Clermont.
8. Evan P. Middleton (R) . . Of Champaign.
9. Carl L. Nippert (R) . . . Of Hamilton.
10. Warren G. Harding (R) . . Of Marion.
11. J. Edward Hurst (D) . . . Of Tuscarawas.
12. John C. Royer (D) . . . Of Seneca.

Standing Committees of Senate.

COMMITTEE ON JUDICIARY.

1. Chas. D. Wightman (R), *Chairman,* Of Medina.
2. Sam'l L. Patterson (R) . . . Of Pike.
3. Edward D. Howard (R) . . Of Franklin.
4. George S. Long (D) . . . Of Miami.
5. Geo. W. Sieber (R) . . . . Of Summit.
6. Carl L. Nippert (R) . . . Of Hamilton.
7. Emmons B. Stivers (D) . . Of Brown.
8. Thomas W. Marchant (R) . Of Fayette.
9. Oscar Sheppard (R) . . . Of Preble.
10. Samuel H. Bright (R) . . Of Logan.
11. Evan P. Middleton (R) . . Of Champaign.
12. Benjamin F. Wirt (R) . . Of Mahoning.
13. Charles E. Brown (I R) . . Of Hamilton.
14. Alfred M. Cohen (D) . . Of Hamilton.
15. W. F. Roudebush (D) . . . Of Clermont.
16. John C. Royer (D) . . . Of Seneca.

COMMITTEE ON LABOR.

1. Joseph L. Myers (D), *Chairman,* . Of Coshocton.
2. William Williams (D) . . Of Morrow.
3. Samuel H. Bright (R) . . . Of Hocking.
4. George C. Dunham (R) . . Of Lucas.
5. Frank B. Archer (R) . . . Of Belmont.
6. Thomas J. Harbaugh (R) . . Of Putnam.

COMMITTEE ON LIBRARY.

1. Samuel H. Bright (R), *Chairman,* Of Hocking.
2. Benjamin F. Wirt (R) . . Of Mahoning.
3. John C. Royer (D) . . . Of Seneca.

COMMITTEE ON MANUFACTURES AND COMMERCE.

1. Frank B. Archer (R), *Chairman,* . Of Belmont.
2. Edward D. Howard (R) . . Of Franklin.
3. William Lawrence (D) . . . Of Muskingum.
4. George C. Dunham (R) . . Of Lucas.
5. John C. Royer (D) . . . Of Seneca.

COMMITTEE ON MEDICAL COLLEGES AND UNIVERSITIES.

1. W. F. Roudebush (D), *Chairman,* Of Clermont.
2. William Williams (D) . . Of Morrow.
3. Warren G. Harding (R) . . . Of Marion.
4. Samuel L. Patterson (R) . . . Of Pike.
5. Thomas J. Harbaugh (R) . . Of Putnam.
6. Edward D. Howard (R) . . . Of Franklin.
7. H. Perry Hanna (R) . . . Of Gallia.

COMMITTEE ON MILITARY AFFAIRS.

1. J. T. Harbaugh (R), *Chairman,* . Of Putnam.
2. Oscar Sheppard (R) . . . Of Preble.
3. Samuel H. Bright (R) . . . Of Hocking.
4. John Mitchell (D) . . . Of Ottawa.
5. H. Perry Hanna (R) . . . Of Gallia.
6. Charles E. Brown (I R) . . Of Hamilton.
7. William G. Brorein (D) . . Of Auglaize.

COMMITTEE ON MINES AND MINING.

1. Thos. J. Harbaugh (R), *Chairman,* Of Muskingum.
2. J. Edward Hurst (D) . . . Of Tuscarawas.
3. Benj. F. Wirt (R) . . . Of Mahoning.
4. George W. Wilhelm (R) . . Of Stark.
5. Samuel H. Bright (R) . . . Of Hocking.
6. Edward D. Howard (R) . . Of Franklin.

COMMITTEE ON MUNICIPAL CORPORATIONS NO. 1.

(*On matters concerning Cleveland and Cincinnati.*)

1. Carl L. Nippert (R), *Chairman,* . Of Hamilton.
2. S. L. Patterson (R) . . . Of Pike.
3. Frank B. Archer (R) . . . Of Belmont.
4. Alfred M. Cohen (D) . . Of Hamilton.
5. Charles W. Brown (I R) . . Of Hamilton.
6. Fred. C Elmer (R) . . . Of Cuyahoga.
7. Oscar Sheppard (R) . . . Of Preble.
8. W. F. Roudebush (D) . . Of Clermont.

COMMITTEE ON MUNICIPAL CORPORATIONS NO. 2.

(On matters concerning other cities.)

1. Benj. F. Wirt (R), *Chairman,* . Of Mahoning.
2. George W. Sieber (R) . . Of Summit.
3. George W. Wilhelm (R) . . Of Stark.
4. William G. Brorein (D) . . Of Auglaize.
5. Emmons B. Stivers (D) . . Of Brown.
6. Oscar Sheppard (R) . . . Of Preble.
7. Warren G. Harding (R) . . Of Marion.
8. J. Edward Hurst (D) . . Of Tuscarawas.

COMMITTEE ON PENITENTIARY.

1. Fred. C. Elmer (R), *Chairman,* . Of Cuyahoga.
2. Samuel H. Bright (R) . . Of Hocking.
3. Oscar Sheppard (R) . . . Of Preble.
4. George S. Long (D) . . . Of Miami.
5. H. Perry Hanna (R) . . . Of Gallia.
6. Edward D. Howard (R) . . Of Franklin.
7. Alfred M. Cohen (D) . . . Of Hamilton.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

1. George S. Long (D), *Chairman,* . Of Miami.
2. John C. Royer (D) . . . Of Seneca.
3. Samuel H. Bright (R) . . . Of Logan.
4. Evan P. Middleton (R) . . Of Champaign.
5. George C. Dunham (R) . . Of Lucas.
6. William G. Brorein (D) . . Of Auglaize.
7. Warren G. Harding (R) . . Of Marion.
8. Charles D. Wightman (R) . . Of Medina.

COMMITTEE ON PUBLIC EXPENDITURES.

1. William G. Brorein, (D), *Chairman,* Of Auglaize.
2. Emmons B. Stivers (D) . . Of Brown.
3. George W. Wilhelm (R) . . Of Stark.
4. Edward D. Howard (R) . . Of Franklin.
5. George C. Dunham (R) . . Of Lucas.

Standing Committees of Senate.

COMMITTEE ON PUBLIC PRINTING.

1. Warren G. Harding (R), *Chairman,* Of Marion.
2. Edward D. Howard (R) . . Of Franklin.
3. George S. Long (D) . . . Of Miami.
4. Samuel L. Patterson (R) . . Of Pike.
5. William Lawrence (D) . . . Of Muskingum.

COMMITTEE ON PUBLIC WORKS AND PUBLIC LANDS.

1. Frank B. Archer (R), *Chairman,* . Of Belmont.
2. S. L. Patterson (R) . . . Of Pike.
3. Martin Dodge (R) . . . Of Cuyahoga.
4. William Lawrence (D) . . Of Muskingum.
5. John C. Royer (D) . . . Of Seneca.
6. Carl L. Nippert (R) . . . Of Hamilton.
7. George W. Wilhelm (R) . . Of Stark.
8. Emmons B. Stivers (D) . . Of Brown.

COMMITTEE ON RAILROADS AND TELEGRAPHS.

1. George W. Sieber (R), *Chairman,* Of Summit.
2. Arthur W. Madden (R) . . Of Clinton.
3. Oscar Sheppard (R) . . . Of Preble.
4. Frank B. Archer (R) . . Of Belmont.
5. George W. Wilhelm (R) . . Of Stark.
6. George S. Long (D) . . . Of Miami.
7. William Williams (D) . . . Of Morrow.
8. Benjamin F. Wirt (R) . . Of Mahoning.
9. Charles D. Wightman (R) . . Of Medina.
10. George C. Dunham (R) . . Of Lucas.
11. Alfred M. Cohen (D) . . . Of Hamilton.
12. W. F. Roudebush (D) . . Of Clermont.
13. Emmons B. Stivers (D) . . Of Brown.

COMMITTEE ON REVISION.

1. Arthur W. Madden, (R), *Chairman,* Of Clinton.
2. Evan P. Middleton (R) . . Of Champaign.
3. John C. Royer (D) . . . Of Seneca.

Samuel H. Bright (R) . . Of Hocking.
William G. Brorein (D) . . Of Auglaize.

COMMITTEE ON ROADS, HIGHWAYS AND TURNPIKES.

1. Martin Dodge (R), *Chairman,* . Of Cuyahoga.
2. George W. Wilhelm (R) . . Of Stark.
3. Arthur W. Madden (R) . . Of Clinton.
4. John Mitchell (D) . . . Of Ottawa.
5. Thomas J. Harbaugh (R) . . Of Putnam-Wood.
6. Joseph L. Myers (D) . . . Of Coshocton.
7. William Williams (D) . . . Of Morrow.

COMMITTEE ON RULES.

1. Oscar Sheppard (R), *Chairman,* . Of Preble.
2. Samuel L. Patterson (R) . . Of Pike.
3. William G. Brorein (D) . . . Of Auglaize.
4. Charles D. Wightman (R) . . Of Medina.
5. William Lawrence (D) . . . Of Muskingum.

COMMITTEE ON SANITARY LAWS AND REGULATIONS

1. John C. Royer (D), *Chairman,* . Of Seneca.
2. Alfred M. Cohen (D) . . . Of Hamilton.
3. Fred C. Elmer (R) . . . Of Cuyahoga.
4. Edward D. Howard (R) . . Of Franklin.
5. Warren G. Harding (R) . . Of Marion.
6. Carl L. Nippert (R) . . . Of Hamilton.
7. Frank B. Archer (R) . . . Of Belmont.

COMMITTEE ON SCHOOL FOR IMBECILE YOUTH.

1. Thos. W. Marchant (R), *Chairman,* Of Fayette.
2. Samuel H. Bright (R) . . Of Hocking.
3. George C. Dunham (R) . . Of Lucas.
4. John Mitchell (D) . . . Of Ottawa.
5. H. Perry Hanna (R) . . . Of Gallia.
6. William G. Brorein (D) . . Of Auglaize.

COMMITTEE ON SOLDIERS' AND SAILORS' HOME.

1. Charles E. Brown (I R), *Chairman,* Of Hamilton.
2. Samuel H. Bright (R) . . Of Hocking.
3. William Williams (D) . . . Of Morrow.
4. Oscar Sheppard (R) . . . Of Preble.
5. Joseph L. Myers (D) . . . Of Coshocton.

COMMITTEE ON SOLDIERS' AND SAILORS' ORPHANS' HOME.

1. Thos. W. Marchant (R), *Chairman,* Of Fayette.
2. Samuel H. Bright (R) . . Of Hocking.
3. George C. Dunham (R) . . Of Lucas.
4. John Mitchell (D) . . . Of Ottawa.
5. H. Perry Hanna (R) . . . Of Gallia.
6. William G. Brorein (D) . . Of Auglaize.

COMMITTEE ON STATE BUILDINGS.

1. Evan P. Middleton (R), *Chairman,* . Of Champaign.
2. Edward D. Howard (R) . . Of Franklin.
3. J. Edward Hurst (D) . . . Of Tuscarawas.
4. Frank B. Archer (R) . . . Of Belmont.
5. John C. Royer (D) . . . Of Seneca.

COMMITTEE ON TAXATION.

1. Oscar Sheppard (R), *Chairman,* . Of Preble.
2. Martin Dodge (R) . . . Of Cuyahoga.
3. Evan P. Middleton (R) . . Of Champaign.
4. Carl L. Nippert (R) . . . Of Hamilton.
5. George W. Sieber (R) . . . Of Summit.
6. George S. Long (D) . . Of Miami.
7. J. Edward Hurst (D) . . . Of Tuscarawas.
8. George C. Dunham (R) . . Of Lucas.
9. Frank B. Archer (R) . . . Of Belmont.
10. Benjamin F. Wirt (R) . . Of Mahoning.
11. Alfred M. Cohen (D) . . . Of Hamilton.
12. Emmons B. Stivers (D) . . Of Brown.
13. William G. Brorein (D) . . Of Auglaize.

COMMITTEE ON UNIVERSITIES AND COLLEGES.

1. Edward D. Howard (R), *Chairman*, Of Franklin.
2. Thomas W. Marchant (R) . . Of Fayette.
3. Charles E. Brown (I-R) . . Of Hamilton.
4. Warren G. Harding (R) . . Of Marion.
5. W. F. Roudebush (D) . . Of Clermont.
6. Samuel H. Bright (R) . . Of Hocking.
7. Carl L. Nippert (R) . . . Of Hamilton.
8. George S. Long (D) . . . Of Miami.
9. John C. Royer (D) . . . Of Seneca.

PAGES OF THE SENATE.

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ASSISTANT POSTMASTER.

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PAGES.

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Edward Norris	Steubenville.
Nicholas Wilkinson	Cleveland.
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J. H. Galbraith	Columbus Express.
R. G. Collier	Cin'ti Commer'l-Tribune.
R. O. Ryder	Ohio State Journal.
Chas. L. Gongwer	Cleveland Press.
Malcolm Jennings	Cincinnati Times-Star.
E. F. Kemp	Toledo Bee.
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Orwell C. Riddle	Columbus Press-Post.
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L. M. Mann	Ohio State Journal.
Maynard Murch	Cleveland Plain Dealer.
M. C. Dickey	Columbus Citizen.
E. T. Conkle	Cleveland World.
E. J. Bracken	Columbus Press-Post.
C. E. Bonebrake	Ohio State Journal.
Blacque Wilson	Toledo Bee.
H. A. Sedgewick,	Toledo Blade.

BIOGRAPHICAL SKETCHES

OF

MEMBERS OF THE OHIO SENATE

JOHN A. CALDWELL, OF CINCINNATI.

Lieutenant-Governor and President of the Senate.

John A. Caldwell was born in the quaint, beautiful village of Fair Haven, Preble county, Ohio, April 1, 1852. He received a common school education in his native village, supplemented by a course in mathematics and Latin under the tutorship of the Rev. J. Y. Schouler, D. D. Like many other sturdy Buckeye boys, he made his own way, by working on a farm, clerking in the village store, teaching school, carefully saving his money, to pay the expenses of a thorough course in the study of his chosen profes-

sion. He graduated from the Cincinnati Law School in 1876, and taught school during the fall and winter of 1877, and in the spring of 1878 entered upon the practice of law in Cincinnati. Mr. Caldwell became deeply interested in the study of municipal affairs, and in 1881, the Republican party, recognizing his fitness, nominated him for city prosecuting attorney, to which position he was elected and again re-elected in 1883. In 1885, Judge Fitzgerald, a man of great popularity, defeated Mr. Caldwell for police judge of Cincinnati, but so strong was the personal popularity of Mr. Caldwell, that in 1887 he, in turn, defeated Judge Fitzgerald for the same office. Before he completed his term as police judge, he was nominated for congress by the Republican party, to represent the Second Ohio district.. He was elected, and re-elected in 1890 and 1892.

As congressman from the Second district, he was conspicuous as an advocate of all measures to protect the workingmen, and afford justice and relief to the soldiers. He strongly advocated the eight-hour bill, under the provision of which government contractors are prevented from forcing their men to work more than eight hours. He was the author of the bill to prevent the desecrations of the American flag, and also of the Anti-Lottery bill. He made the favorable report that secured the enactment of the Car Coupler law, requiring all railroad companies to adopt safety couplers on all trains engaged in interstate commerce. He successfully advocated the reclassification of the various postal employees, under which all railway postal clerks and letter-carriers are now working. He took a firm stand against the employment of convict labor on government contracts, and was the author of a bill to require all prison-made goods, of whatever character, to be stamped, so as to show where and in what prison they were manufactured. While Judge Caldwell was serving his third term in congress he was unanimously elected Chairman of the Congressional Campaign Committee.

When it became necessary to Republican success in Cincinnati that the party select as its candidate for mayor the strongest possible man before the people, Judge Caldwell was nominated to head the municipal ticket, and he patriotically put aside his congressional career, and was elected mayor of Cincinnati.

He was among those who first advocated the Republican League of Ohio, and was afterwards unanimously elected president of the league.

The Lieutenant-Governor is a fearless advocate of the right of a question as he sees it, and as a presiding officer of the Senate, endeared himself to every one who came in personal contact with him.

Judge Caldwell was married in 1876 to Miss Anna Eversull, of Mount Airy, Hamilton county, Ohio. Three children are the offspring of this marriage, John A., Jr., now a medical student, Bessie and Robert.

The family residence is in Cumminsville, the 25th ward of Cincinnati, and they are members of the Presbyterian church. Judge Caldwell is a member of the following orders: Scottish Rite Masonry, Shriner, the Independent Order of Odd Fellows, Ancient Order of United Workmen, Knights of Honor, National Union, and of the Sanford Bundy Camp Sons of Veterans.

The Washington correspondent of the *Ohio State Journal,* writing of the Lieutenant-Governor, says, "He should have remained in Congress where he was establishing a career of usefulness and ability."

Biographical Sketches of Members of the Senate.

THIRD DISTRICT.

Composed of Montgomery and Preble Counties.

OSCAR SHEPPARD, OF WEST ALEXANDRIA,

President pro tem. of the Senate.

The Senator from the Third District is serving his second term in the Senate, and is President pro tem. of that body, by the unanimous choice of his Republican colleagues. Both as presiding officer in the chair, and as Senator upon the floor, Mr. Sheppard fills well the part assigned him, and bears his honors with courtly dignity, and with great consideration for all with whom he comes in contact. He is a veteran of the War of the Rebellion, having enlisted in Company C, 27th Ohio Volunteer Infantry, at the age of 16, as a private, to be mustered out at the close of the war, at Louisville, Ky., as Sergeant-Major of his regiment. The record of the 27th Ohio, and of the Army of the Tennessee, is *his* record.

In the battle of Atlanta, July 22, 1864, Mr. Sheppard was severely wounded, but after a few weeks in the hospital, he returned to duty.

On his return from the army he took up his studies where he had left them to enlist, and from 1865 to 1868 he attended the Newark city high school in the winter, and worked with a firm of contractors and bridge builders in the summer. In 1868 he entered the Normal University at Lebanon, Ohio, and from that date to 1872 he was engaged in teaching and attending the university. In 1872 he was elected principal of the West Alexandria (O.) public schools, and continued in that position until 1879, when he opened an office and began the practice of law, he having been admitted to the bar in May, 1877.

In 1881 he was elected to the legislature of Ohio from Preble county, and was re-elected in 1883. During the years 1884 to 1887 he was interested in the building of the Cincinnati, Jackson and Mackinaw railway, and for several years thereafter was a member of the Board of Directors. From 1872 to 1882 he was a member of the Board of County School examiners, and from 1891 to 1897 he was a member of the Board of Trustees of the Dayton State Hospital.

In the organization of the Senate, in addition to being elected President pro tem. of the body, Mr. Sheppard was made Chairman of the Committee on Rules, and under his direction the revision and consolidation of the rules of the two branches of the General Assembly have been effected, as contained in the present edition of the Manual. He is also chairman of the Committee on Taxation, and a member of the committees on Judiciary, Finance, Municipal Corporations No. 1, Municipal Corporations No. 2, Railroads and Telegraphs, Benevolent Institutions, Penitentiary, Soldiers' and Sailors' Home, Fees and Salaries, and Military Affairs.

Mr. Sheppard was born in Muskingum county on July 15, 1845, his father, Lenox Sheppard, was a native of Westmoreland county, Pennsylvania, and his mother, Ellen McLain Sheppard, a native of the county in which he was born. He was married to Miss Alice Carey Gale in 1878, and has a family of three children—one son and two daughters.

TWENTIETH AND TWENTY-SECOND DISTRICT.

Composed of the Counties of Belmont, Harrison, Jefferson and Columbiana.

FRANK B. ARCHER, OF BELLAIRE.

Chairman of the Committees on Public Works and Commerce.

The Senator from the Twentieth and Twenty-second Districts had the unusual honor to be nominated to represent his district in the 74th General Assembly of Ohio by acclamation. He is an active and enthusiastic Republican in Eastern Ohio, and his nomination was the natural expression of the confidence of his constituents in his ability to look after their interests both as partisans and as citizens of Ohio.

Senator Archer was born in Bellaire on the 20th day of May, 1858, and, as his father died in the fall of that year, leaving the mother with six children to support, the educational advantages

afforded him were meagre. At the age of 12 years, the boy went to work in a glass factory in Bellaire, and by the time he had passed his 17th birthday he had finished his apprenticeship at the trade and was commanding the wages of a master tradesman in the business. In 1884 he left the factory to engage in the stationery and insurance business. Two years previously he had been elected Township Treasurer of Pultney township, and this served to introduce him to the political field of activity.

He has served two terms as a member of the City Council of Bellaire, and was for two years President of that body. He was elected Treasurer of Belmont county in 1889, and was re-elected for a second term to that office. He was prominently mentioned for State Treasurer at the State Convention of his party at Zanesville, but was defeated in the nomination largely by geographical considerations in the make-up of the ticket. Senator Archer has served his party twice as Chairman of the Belmont County Republican Executive Committee, and has been an active member of that organization in its campaigns for many years.

Of recent years the Senator has been engaged in the business of general contractor.

In the Senate he is assigned to service on the standing committees on Finance, Municipal Corporations No. 1, Railroads, Labor, Sanitary Laws and Regulations, State Buildings, and Taxation, in addition to his duties as Chairman of the two committtees on Public Works and Public Lands, and on Manufactures and Commerce, and a glance at these assignments is an indication of the activity with which the Senator from the Twentieth and Twenty-second District entered on the duties of his first term in the Ohio Senate.

Biographical Sketches of Members of the Senate.

NINTH-FOURTEENTH DISTRICT.

Composed of the Counties of Athens, Hocking, Fairfield, Morgan, Washington, part of Monroe (Rinard's Mills precinct in Washington township, and part of Bethel and Benton townships), Noble, and part of (Brookfield, Jackson, Noble, Sharon and Olive townships, and part of Elk, Jefferson and Center townships, Forest Grove and Caldwell precincts, and part of Dexter precinct.)

SAMUEL H. BRIGHT, OF LOGAN.

Chairman of the Committee on Corporations Other Than Municipal

The Senator from the Ninth-Fourteenth Senatorial District of Ohio, is an old-time Republican whose first vote was cast in 1864 for Abraham Lincoln. Born in Hocking county, November 9, 1841, of an ancestry which was among the first settlers in the "Hocking Valley," his boyhood days were spent upon the farm and in attendance at the district school and Logan high school, until, in April, 1864, he enlisted in Company K, 58th Ohio Volunteer Infantry, was appointed Quartermaster Sergeant, and as such served

in the Valley of the Mississippi with the Union Army, until the close of the Rebellion. After his discharge from the service at the close of the war, the young man taught school until he entered the Ohio University at Athens, afterward taking up the study of law in the office of C. H. Ripley in Logan. He was admitted to the bar by the district court at Circleville, in 1869, and has devoted himself almost exclusively to the practice of his profession in his native county, where he has for years been an admitted leader in his profession. He was appointed a Judge of the Court of Common Pleas in the first subdivision of the seventh district, by Governor Foraker, in 1887, and his party nominated him for the same office to succeed himself, but the opposition being in overwhelming majority in the district the Judge failed of election. He was appointed Deputy Collector of the Internal Revenue for Hocking, Fairfield and Perry counties, in 1869, and served four years. He has been a strong factor in the battles fought in his district by the Republican party, and has served in every capacity in the ranks of the various committees where it was represented to him that his influence would produce successful results. His nomination to the Senate was asked for by the Republicans of Hocking county, and accepted by them as a deserved recognition of his ability and of his long and uninterrupted service to the party and the people. His election followed his nomination as a matter of course. He is an earnest worker in the Grand Army of the Republic, and continued to look after its interests in the Senate.

Judge Bright was married to Miss Lydia T. Allen of Bradford county, Pennsylvania, and has seven children. The family home is in Logan.

As a senator Mr. Bright is a member of the standing committees on Judiciary, Privileges and Elections, Benevolent Institutions, Penitentiary, Soldiers' and Sailors' Orphans' Home and School for Imbecile Youth, Soldiers' and Sailors' Home, Universities and Colleges, Labor, Mines and Mining, Military Affairs, Fish Culture and Game, Claims, and Revision, in addition to his duties as Chairman of the standing committees on Corporations other than Municipal, Industrial Schools for Boys and Girls, and Library.

THIRTY-SECOND DISTRICT,

Composed of the Counties of Allen, Auglaize, Defiance, Mercer, Paulding, Van Wert and Williams.

WILLIAM G. BROREIN, OF BUCKLAND, AUGLAIZE COUNTY,

Chairman of the Committee on Public Expenditures.

The Thirty-second Senatorial District has in Senator W. G. Brorein an able and vigilant representative. Senator Brorein was born near Marion, Ohio, October 31, 1861, but five years later removed with his parents to Auglaize county. His education was received in the common schools and the Ohio Normal University, which he entered in 1879. He engaged in teaching during the winter months, and for three years was superintendent of the Cridersville schools. In 1886 he engaged in mercantile business at Buckland, where he now operates a wood stirrup factory, a saw mill, and a drain tile and brick factory. He was Buckland's first mayor, and

while mayor was elected to the 71st General Assembly. Two years later he was re-elected, both times by decisive majorities. In both of these terms in the House he served on the important Committee on Finance.

In 1897, Senator Brorein was elected to the Senate, and at once demonstrated his usefulness to the body by reason of his experience in state affairs, and by his natural ability to handle successfully the questions which came before him for consideration. In 1899 he was re-elected to the present Senate, and on its organization was complimented by the Republican majority, as well as by his fellow Democrats, who placed his name before the Senate as their candidate for President pro tem. of the body. In the assignment of standing committees (which was, as a matter of course controlled by the Republicans), the Senator from Auglaize was given the Chairmanship of the Committee on Public Expenditures, placed second on the Committee on Finance, and was made a member of the committees on Municipal Corporations No. 2, Common Schools and School Lands, Privileges and Elections, Soldiers' and Sailors' Orphans' Home and School for Imbecile Youth, Military Affairs, Fish Culture and Game, Revision, and Rules. In the work of these several committees, the Senator from the Thirty-second District is a distinguished figure and an active participant in the consideration of the questions that are presented to them for action.

FIRST DISTRICT.

Composed of Hamilton County.

GENERAL CHARLES ELWOOD BROWN, OF CINCINNATI.

Chairman of the Committee on Soldiers' and Sailors' Home.

Senator Brown, although a life-long Republican, having been present at the birth of that party, was elected to the Senate from the First District as an Independent Republican, by a large plurality. He was born in the city of Cincinnati, of Quaker lineage, and of those who were among the early pioneers from New Jersey and Virginia. Left an orphan in early childhood he was reared on the farm of his maternal grandfather in Highland county, entering a preparatory academy at Greenfield at the age of 16, afterwards graduating from Miami University at Oxford. At the breaking out of the War of the Rebellion, he was reading law and supporting himself by teaching in southern Louisiana, but came north and en-

listed as a private in Company B, 63d Regiment Ohio Volunteer Infantry, and rose by successive promotions through the grades of Captain, Major, Lieutenant Colonel, Colonel, until, "for gallant and meritorious service in the Atlanta compaign" he was brevetted a Brigadier General of Volunteers. He had lost his entire left leg while in command of his regiment before Atlanta in the fighting of July 22, 1864. General Brown, having served in every engagement in which his regiment took part (it being a part of the famous Fuller's Ohio Brigade), was ordered on duty as Provost Marshall of the 18th Ohio District, with headquarters at Cleveland, as soon as he had sufficiently recovered from his wound, and served until his command was mustered out in the summer of 1865. His entire military career, from his enlistment as a private soldier, to his muster out, covered a period of about four years.

General Brown was early admitted to the bar in the courts of this State, and in all the Federal Courts. He has held various positions of honor and trust, having been appointed Pension Agent at Cincinnati by President Grant, and elected a member of Congress from the Second District of Ohio, in the 49th and the 50th Congress of the United States. In political matters General Brown does not hesitate to exercise the courage of his convictions, and, while recognizing the necessity for party discipline, he reserves the right to point out the errors of his party as he sees them, and to seek their correction earnestly. The Senator is married, and has five living children.

General Brown manifests great interest in the legislation for the proper care of the Ohio Memorials on the battlefields of the South, and to the legislation affecting the veterans of the Civil War and their descendants.

He is Chairman of the Standing Committee on Soldiers' and Sailors' Home, and is a member of the standing committees on Judiciary, Municipal Corporations No. 1, Corporations other than Municipal, Universities and Colleges, Military Affairs, and Enrollment.

FIRST DISTRICT,

Composed of Hamilton County.

ALFRED M. COHEN, OF CINCINNATI,

Chairman of the Committee on County Affairs.

Alfred M. Cohen, one of the three senators from Hamilton county, has lived in Cincinnati since his birth, October 19, 1859, and is a product of the common schools. He graduated from the Cincinnati Law School early in 1880, but was not admitted to the bar for nearly six months, not having reached legal majority.

From the start he commanded a considerable practice, and now has a foremost position among the lawyers of Cincinnati. He is senior member of the well known firm of Cohen & Mack. A staunch Democrat, he is averse to office, but is high in the councils of his party. He has served in the common council, and was chairman of the famous convention which nominated for mayor Col. Gustav

Tafel. He sounded the keynote of that campaign, and his convention speech suggested the wisdom of nominating him for the Senate. He accepted only after much persuasion, and his plurality in 1897, for his first term, was the largest of any senatorial candidate from the county. During his first term in the Senate he distinguished himself by close application to duty and was one of the most conscientious and painstaking senators. He was Chairman of the Committee on Municipal Corporation No. 1, to which legislation affecting Cleveland and Cincinnati was referred, and his championship of reform legislation for Cincinnati was among the most effective efforts of the session.

Senator Cohen was re-nominated and elected on a fusion ticket, with Gen. Charles E. Brown, in 1899, again leading the ticket by a very decisive majority. Within the memory of man his is the only re-election to the Senate from Hamilton county. His prominence early assigned him as minority leader in the Senate, a position in which he sustains his record for diligent and persistent effort of two years ago. He is a frank, engaging speaker, and has the courage to voice his sentiments, though in a persuasive rather than a combative way. During the session of the Senate, Mr. Cohen was nominated as the Democratic fusion candidate for mayor of the city of Cincinnati, and made a splendid, though unsuccessful campaign in that behalf. In the Senate, Mr. Cohen is Chairman of the standing committee on County Affairs, and holds an active membership in the standing committees on Judiciary, Municipal Corporations No. 1, Common Schools and School Lands, Railroads and Telegraphs, Corporations other than Municipal, Penitentiary, Sanitary Laws and Regulations, Claims, and Taxation. These important assignments are, in themselves an eloquent testimonial of the regard in which the ability of the Senator is held by his fellow-members of the Senate, on both the minority and majority sides of the chamber. He is a member of the aristocratic Cincinnati Club, and is prominent in nearly all leading fraternal societies, especially in Masonry and Odd Fellowship. For several years he has been President of the United Young Men's Hebrew Association of America, which comprises all prominent Y. M. H. A.'s in the United States. Senator Cohen is married, and has an interesting family of three children.

TWENTY-FIFTH DISTRICT,

Composed of Cuyahoga County.

MARTIN DODGE, OF CLEVELAND,

Chairman of the Committees on Roads and Agriculture.

The senior Senator from Cuyahoga county, a stalwart Republican, is Martin Dodge, of Cleveland, who is now serving his fifth consecutive term in the General Assembly from that county and district. With the completion of his present term, he will have represented his constituents either in the House or in the Senate, for a period of ten consecutive years — a record almost without a parallel in the General Assembly of Ohio. He was elected first to the 70th General Assembly in 1891, and was re-elected to the 71st, 72d, 73d and 74th General Assemblies, in all cases as a Republican, and on the Republican ticket. The first three terms

he was a member of the House of Representatives, and the last two terms he has been a member of the Senate.

Senator Dodge has been a conspicuous figure in all movements for the betterment of the public roads, and one of the public duties with which he has charged himself, and to which he has given continuous and insistent support, has been that of increasing in every possible way, the public interest in this important question. In 1893, he was appointed Chairman of the Ohio Road Commission by the Governor of Ohio (William McKinley), and in this capacity, he contributed an original proposition, which was made a part of the report of that commission, urging the adoption of inanimate power instead of animal power, and of steel rails instead of the common roadway, as a means of transportation upon the public roads. As a leader in Ohio in the "good roads" movement, one of his public speeches on that subject has been printed by the State of Ohio, and another by the National Government.

He has recently been tendered the position of Director of Public Road Inquiries, by the Department of Agriculture at Washington, a post of a temporary nature pending the inauguration of an important division of the work of the Department.

Senator Dodge was born in Auburn, Geauga county, in 1851, and passed the first twenty years of his life on a farm near that place. In 1871 he entered Hiram College, remaining there four years, and then entering Buchtel College at Akron, where he studied one year. In 1876 he entered the Ohio State and Union Law School in Cleveland, being admitted to the bar in 1877, and engaging at once in the practice of his profession. After practicing in Cleveland, he opened an office in Kansas, but returned to Cleveland and located permanently in that city in 1882. In 1893 Hiram College conferred on him the honorary title of Master of Arts.

Mr. Dodge is Chairman of the Committee on Roads, Highways and Turnpikes, and also of the Committee on Agriculture. He is a member of the committees on Finance, Public Works and Public Lands, Insurance, Fees and Salaries, and Taxation.

THIRTY-THIRD DISTRICT,

Composed of the Counties of Fulton, Hancock, Henry, Lucas, Putnam and Wood.

GEORGE C. DUNHAM, OF TOLEDO.

The Senator from Lucas county shares with the Senator from Putnam (Mr. Harbaugh) the honor of representing the extreme Northwestern part of the State, at a time when that section of Ohio is busily engaged in preparations for the Toledo Centennial, an Interstate celebration of the erection of the State of Ohio from a part of the old Northwest Territory. Senator Dunham is a native of Delaware county having been born on a farm near Delaware, on the 18th day of February, 1857. His Republicanism is of the stalwart character, because, as he says, the Republican party and he grew up together. He was educated in the public schools of Delaware, graduating from the Delaware High School

in 1873, at which time he began teaching, and at the same time attending the Ohio Wesleyan University. After leaving the University he was engaged in the Hardwood Lumber trade at Sunbury, making his first entry in political matters as Township Clerk in his native township, an office to which he was elected four terms in succession. He was elected Recorder of Delaware county in 1885, and while in this office became interested in the oil fields of Northwestern Ohio, to which branch of industry and investment he has since given his attention. He became a resident of Lucas county in 1891. In politics he has always taken an active interest, but his election to the Senate is his first personal candidacy in his new location. His name was presented to the Senatorial Convention without a previous canvass in his interest, and his nomination over several excellent competitors was unanimous. In his campaign for the Senate, Mr. Dunham carried Lucas county by 2200 majority. Part of his ticket carried Lucas county by 700 at the same time.

Mr. Dunham was married to Miss Lillian Morehouse, June 20, 1888, and has a family of two girls.

Senator Dunham declined to accept the responsibility of a committee chairmanship which was tendered him by the Republican senators in the organization of the Senate, preferring to reserve his time the more uninterruptedly to looking after the interests of his constituents. He is, however, a member of the standing committees on Finance, Railroads and Telegraphs, Privileges and Elections, Soldiers' and Sailors' Orphans' Home and School for Imbecile Youth, Manufactures and Commerce, Labor, Public Expenditures, and Taxation.

TWENTY-FIFTH DISTRICT,

Composed of Cuyahoga County.

FRED C. ELMER, OF CLEVELAND,

Chairman of the Committee on Penitentiary.

The Junior Senator from the Cleveland District (the 25th), is a stalwart Republican, who is serving his first term in the General Assembly of Ohio. Senator Elmer was nominated to the Senate on the Republican ticket in Cuyahoga county when he was absent from home on business, and he was unable to take an active personal part of the campaign. Under these circumstances his election by the highest vote on the senatorial ticket was a tribute, not only to his personal popularity as a candidate, but to the wisdom of the convention which nominated him. Senator Elmer is a native of Vermont, having been born in the city of Brattleboro, October 13, 1853. He came to Ohio in 1873, and has been engaged in busi-

ness in the city of Cleveland since December, 1877. His previous experience in public life has been almost entirely in connection with the public schools of Cleveland, of which branch of the public service he is an ardent advocate. He has been twice elected to the Cleveland Board of Education, and at the time of his election to the Senate, he was a member of the School Council. One of his first acts as a legislator was the introduction in the Senate, of bills for the improvement and advancement of the public schools of his home city. Socially, Mr. Elmer is a sincere friend, and an earnest worker in the interests of his constituents. He is at all times anxious to do his public duty well, and is only embarrassed by the conflicting demands made upon him by a large and a truly cosmopolitan constituency. He is a 32d degree Mason, a member of the Mystic Shrine, and a Knight of Pythias.

Senator Elmer is Chairman of the Committee on Penitentiary, and is a member of the committees on Municipal Corporations No. 1, Sanitary Laws and Regulations, and County Affairs.

EIGHTH DISTRICT,

Composed of the Counties of Lawrence, Gallia, Meigs and Vinton.

H. PERRY HANNA, OF GALLIPOLIS.

The Republican Senator from the Eighth District is one of the six ex-soldiers of the Civil War who have a membership in the Senate. Mr. Hanna is a native resident of Gallia county, where he was born, and in which county he has lived continuously. He was born near Vinton on a farm, which he left only when he enlisted in Company G, 1st Ohio Heavy Artillery at the age of 20, and served until the close of the war. His popularity at home has been shown first by the neighbors in Huntington township, who have repeatedly called upon him to fill minor local offices; next the Republicans of Gallia county nominated him for Probate Judge, to which office he was elected in 1890, and re-elected in

His nomination to the Senate was the result of a spirited

contest, but his majority was so overwhelming that there was no Democratic opposition to his election in the entire district. His home is in Gallipolis. Mr. Hanna is a Knight Templar, Odd Fellow, Knight of Pythias, and is a member of the G. A. R. and an active exponent of its patriotic principles. His service in the Senate, and on committees on Finance, Agriculture, Penitentiary, Industrial School, Soldiers' and Sailors' Orphans' Home, Federal Relations, and Insurance, and as Chairman of the Committee on Benevolent Institutions is marked by studious attention to the interests intrusted to his care. He is the author of a bill to establish the office of a State Fire Marshall in Ohio, and is a warm supporter of the measure as a public need.

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THIRTEENTH DISTRICT,

Composed of the Counties of Logan, Union, Marion and Hardin.

WARREN G. HARDING, OF MARION,

Chairman of the Committee on Public Printing.

It is thoroughly characteristic of the Senator from the Thirteenth District, that his hastily written and modestly worded answer to a request for certain necessary personal information, should take this form: — "Warren G. Harding, Senator from the 13th district; — Born in Blooming Grove, Morrow county, Nov. 2, 1865. Has resided in Marion since 1882. Secured an academic education at the old Ohio Central College at Iberia,—not now in existence. Taught school in 1882. Studied law one year, then became a newspaper writer, becoming owner of the *Marion Star* in 1884. Has it yet. Was nominated for Senate July 17, 1899, at Marion, — irl in politics — and was elected by nearly 1800."

Biographical Sketches of Members of the Senate.

Senator Harding is one of the young men in the Ohio Senate. His earnestness in debate, is equalled only by his frankness of statement. His speech in behalf of the reorganization of the city government of Cincinnati, and his argument in favor of his bill to establish a new Municipal Code for the cities and villages of Ohio, can be remembered as specimens of earnest and disinterested effort. Mr. Harding is Chairman of the standing committee on Public Printing, and is also a member of the committees on Finance, Municipal Corporations No. 2, Privileges and Elections, Insurance, Ditches and Drains, Universities and Colleges, Sanitary Laws and Regulations, and Medical Colleges and Universities.

His first term of service in the Senate is marked by the fact that he introduced in the Senate, and stood sponsor in the General Assembly for, the bill reported to the Governor by the Municipal Code Commission, which seeks to consolidate and improve the municipal laws of the State of Ohio.

THIRTY-THIRD DISTRICT,

Composed of the Counties of Fulton, Hancock, Henry, Lucas, Putnam and Wood.

THOMAS J. HARBAUGH, OF BOWLING GREEN,

Chairman of the Committee on Military Affairs.

The Senator from Putnam, the Rev. Thomas J. Harbaugh, is a Republican, a patriot, and the veteran of two wars. Born in Sandyville, Tuscarawas county, on the 16th day of October, 1839, he was taken by his parents to live on a new farm in Putnam county, at the age of 9 years, in a neighborhood which he graphically describes as "all woods, woods, woods." There were in Putnam county at the time of this migration, no roads, no schools, no markets. The people shared in common their many self-denials incident to the opening up of a new country, and the hickory bark fire lit the page from which the boy eagerly read and pondered the few books that fell, even temporarily, into his posses-

sion. Athirst for useful knowledge, the young lad was a constant student of the ways and means for acquiring such information as was possible and many a night was far spent in the pursuit of it by the light of the friendly fire. In 1861, with the first call for troops, Mr. Harbaugh enlisted in the 21st Ohio Volunteer Infantry, serving the three months of the enlistment under Col. Norton, and being honorably discharged in August of that year. One year later, he re-enlisted in the 81st Ohio Volunteer Infantry, with which regiment he served at Corinth, through the Atlanta campaign, and from thence with Sherman to the sea, and to Washington, where he took part in the Grand Review, and was mustered out of the service June 21, 1865, with the rank of First Lieutenant. He was wounded in the battle of Bentonville, March, 1865, but has never drawn a pension nor applied for one. He began his work as a preacher in 1866, and was ordained in 1870. He has been sincere in his life-work, has been elected Presiding Elder in his conference a number of times, and in the War with Spain again went to the front in the uniform of his country as Chaplain of the 6th Ohio Volunteer Infantry. Just prior to the enlistment with the 6th Ohio, Mr. Harbaugh had served a term in the Senate from the district he now represents, and upon his return was again nominated and elected by the Republicans of his district. He has been commissioned to the chaplaincy of the 6th Regiment O. N. G. this winter, at the request of the officers and men with whom he served in the late war.

Senator Harbaugh is unanimously spoken of as "the Chaplain of the Senate," a position he is now filling (without pay) for the second term. He believes that Religion and Politics *will* mix, and takes a sincere and active interest in public matters. Since his election to the Senate, the Senator has changed his residence from Kalida to Bowling Green, both being in the same part of the senatorial district.

Mr. Harbaugh is Chairman, naturally enough, of the Committee on Military Affairs, and is a member of the committees on Roads, Highways and Turnpikes, Benevolent Institutions, Ditches and Drains, Labor, Fees and Salaries, Fish Culture and Game, and Geological Survey.

TENTH DISTRICT,

Composed of Franklin and Pickaway Counties.

EDWARD D. HOWARD, OF COLUMBUS,

Chairman of the Committee on Universities and Colleges.

The youngest member of the Senate in point of age, and the second Republican to be elected to the Senate in all the history of the Tenth Senatorial District, is Edward D. Howard of Columbus. His nomination was unanimously tendered him by the senatorial convention in August, 1899, and his election over the usual Democratic majority in the district was a convincing proof of his availability as a candidate. Senator Howard was born and raised on a farm in Blendon township, Franklin county, and received his education in the district school, at the Central College Academy, and at Otterbein University. He secured a position in the City Passenger and Ticket Department of the I. B. & W. R. R., at

Columbus, and left the university to accept it. Later he was transferred successively to the same departments in the B. & O. and the "Big Four," and again to the advertising department of the C. B. & Q. R. R., at Chicago. He made a constant study of law while in the railroad employ, and was admitted to the bar just prior to his graduation from the Ohio State University in 1894, having resigned his position to complete his studies uninterruptedly. He was appointed Assistant Prosecuting Attorney of Franklin County in November, 1894, and as such, during the next three years, he took part in the most important litigation that ever occurred in that county. At the conclusion of his term of office, he opened his present office in the Wyandotte Building, Columbus.

He is an earnest, painstaking party man, and a prominent factor in the ranks of the young Republicans of the capital city. In the Senate, he is Chairman of the Committee on Enrollment (one of the most painstaking and at the same time one of the most thankless duties to which a senator can be appointed); he is also Chairman of the standing committee on Universities and Colleges — in which the needs of the great educational institutions of Ohio are considered and provided for—; he is Secretary of the Committee on Judiciary, and a member of the standing committees on Insurance, Industrial Schools for Boys and Girls, Manufactures and Commerce, and Geological Survey.

EIGHTEENTH-NINETEENTH DISTRICTS,

Composed of the Counties of Coshocton, Tuscarawas, Guernsey, all of Monroe, except part of Benton and Bethel townships, and Rinard's Mills precinct; and part of Noble (Beaver, Buffalo, Enoch, Marion, Senecca, Stock and Wayne townships and part of Center, Elk and Jefferson townships, East Union, and part of Dexter precinct.)

J. EDWARD HURST, OF NEW PHILADELPHIA,

Chairman of the Committee on Fees and Salaries.

Senator Hurst, while always, and under all circumstances, a Democrat, and with a long record of efficient party service, is a of honest and conservative discharge of public obligations. he second youngest member of the Senate, and is serving term from an ordinarily reliable Democratic district, with which makes his return to the Senate a matter of extreme

likelihood. He has held but one local office prior to his election to the Senate, having been appointed Deputy Clerk of the Probate Court in Tuscarawas county in 1891, and holding that position until 1894. His geniality of manner and his efficient discharge of his official duties, joined to his untiring devotion to the welfare of the party in his district, has raised up for him a host of well-wishers in his native county, and elsewhere. He was born near New Philadelphia, December 1, 1866, and with the exception of an absence of a few years in his infancy, has lived his whole life in Tuscarawas county. His education is that bestowed upon him by the common schools of his township, supplemented by diligent study while working on the farm, and by a course of instruction of four terms in the Normal School of New Philadelphia. From his twenty-first birthday until his appointment as Deputy Clerk in the Probate Court, he was engaged in teaching the country schools in the winters, and in pursuing his favorite studies in the summer months. He retired from the Probate office in 1894, and in 1895 was nominated to the General Assembly, making an unsuccessful fight to overcome the Republican majority in the county in that year. In the campaign of 1896 he was active in the Democratic ranks, stumping the county in the interests of that party.

In the Senate he is Chairman of the Committee on Fees and Salaries, and is a member of the standing committees on Finance, Taxation, Municipal Corporations No. 2, Insurance, Agriculture, Mines and Mining, and State Buildings.

Mr. Hurst was married to Ellen, the youngest daughter of the Hon. E. R. Benfer, on December 17, 1887, and has two bright little daughters.

FIFTEENTH AND SIXTEENTH (JOINT) DISTRICT,

Composed of the Counties of Muskingum, Perry, Delaware and Licking.

WILLIAM LAWRENCE, OF ZANESVILLE,

Chairman of the Committee on Mines and Mining.

The Senator from Muskingum, representing the Joint Fifteenth–Sixteenth District of Ohio, is a Democrat; — is the son of William Lawrence who was a member of the General Assembly from Guernsey county in 1843–4, was a member of the Senate from the Guernsey– Monroe District in '55, '69 and '85, a member of the Constitutional Convention of 1851, and a member of Congress. The present Senator was born in Washington, Guernsey county, and was educated in the common schools of that day, in Miller Academy, and in Kenyon College. He was admitted to the bar after having studied law under the Hon. J. W. White of

Cambridge, but never devoted himself to the practice of his profession, as he much preferred the newspaper business upon which he entered at once on the completion of his course of study. He assumed editorial charge of the *Zanesville Daily Signal* in 1889, and has remained in this connection. He has been a candidate for office but twice — for Congress in 1888, when he was defeated in a district normally Republican by a handsome majority, and again in 1899, when he was the successful candidate of his party for his present seat in the Senate.

In the organization of the Senate, Mr. Lawrence was assigned to the chairmanship of the standing committee on Mines and Mining, for which his residence in the midst of one of the largest mining districts in the state, and his familiarity and interest in the subject especially fitted him. He is also a member of the committees on Finance, Public Works, Manufactures and Commerce, Public Printing, Claims, Enrollment, and Rules. Consistent in his Democracy, and loyal to what he conceives to be the interests of his party, Senator Lawrence is still open to the broad views of public affairs which mark the newspaperman in his treatment of men and methods. In the Senate, he is a close observer of passing events, and quick to respond to any reasonable demand from his constituency.

TWELFTH DISTRICT,

Composed of the Counties of Miami, Darke and Shelby.

GEORGE S. LONG, OF TROY.

Chairman of the Committee on Privileges and Elections.

The Democratic Senator from the Twelfth District is serving his second term as a member of the Ohio Senate, and is one of the strongest men on the minority side of the chamber. He was born in Troy, where he now resides, on the 22d day of February, 1856, and, passing through the common schools of that city, he graduated from the High School, and completed his education at Dartmouth College (N. H.), graduating from that institution of learning with the class of 1879. After teaching in the High School in Portsmouth for two years, he returned to Troy and began the practice of law in 1884, in which he has since been engaged. He was Mayor of Troy in 1886, has been a member of the Board of

Education, and is now a member of the City Improvement Board of Troy.

The Senator was married on June 2, 1887, to Miss Lina, the daughter of Capt. J. B. Weller, at that time a resident of Troy.

Senator Long was given the chairmanship of the standing committee on Privileges and Elections, in the organization of the Senate, and is a member of the committees on Judiciary, Railroads and Telegraphs, Corporations other than Municipal, Penitentiary, Universities, Public Printing, Claims and Taxation.

FIFTH AND SIXTH (JOINT) DISTRICT.

Composed of the Counties of Greene, Clinton, Fayette, Highland and Ross.

ARTHUR W. MADDEN, OF WILMINGTON.

Chairman of the Committee on Fish Culture and Game.

The Senator from Clinton county, shares with the Senator from Fayette the honor of representing the Joint Fifth and Sixth Districts, and the vote of this district in the Senate, is always two votes on the Republican side of the point at issue. Senator Madden after a number of years experience as a traveling salesman for the Columbus Buggy Company in the Virginias, the Carolinas, in Maryland and in Pennsylvania, and four years' experience in the management of the branch established by the company in Indianapolis, returned to the Madden farm in Clinton county, near Wilmington, where he has since been engaged in looking

after the interests of the farm, the title to which has been a family possession since 1807, when it was settled by the Senator's grandfather, Eli Madden, who was a native of Chester county Pennsylvania. Senator Madden was not born on the home farm, however, but in Warren county, April 27, 1850. His early education was obtained in the public schools of Harveysburg, after which he entered the University of Michigan, at Ann Arbor, from which he graduated in 1872. He engaged in mercantile pursuits after leaving the University, until his return to the homestead in Clinton county, and engaging actively in agricultural interests. He was married to Miss Mary E. Browne, of Washington C. H., on the 29th day of May, 1878, and has two daughters living, Eleanor and Ena, their second daughter, Rowena, dying in infancy.

Senator Madden is Chairman of the Committee on Fish Culture and Game, is Chairman of the Committee on Revision, is a member of the committees on County Affairs, Railroads and Telegraphs, Roads Highways and Turnpikes, Agriculture, Ditches and Drains, Federal Relations, Geological Survey, Claims, and on Enrollment. He is Secretary of five of the eleven committees in which he holds a membership, and is in almost constant attendance on the daily sittings of the Senate. The work before the committee on Fish Culture and Game is perhaps the most perplexing committee work demanding his attention, he being the Chairman of the committee, and the recipient of the separate and counter demands of the farmers, who desire more stringent game laws, and of the sportsmen who demand more liberty. Of the dozens of Game Laws before the committee for recommendation to the Senate, no two are recommended by the same interests, or backed by the same petitioners. A compromise measure will be drafted and recommended for passage, with doubtful success in quieting the troubled waters.

FIFTH AND SIXTH (JOINT) DISTRICT,

Composed of the Counties of Greene, Clinton, Fayette, Highland and Ross.

THOMAS W. MARCHANT, OF WASHINGTON C. H.

Chairman of the Committee on Insurance.

The Republican Senator from Fayette, Mr. Marchant, shares with Mr. Madden of Wilmington, the honor of representing the Greene, Clinton, Fayette, Highland and Ross District in the Senate of the Seventy-Fourth General Assembly. He was assigned to the chairmanship of the Committee on Insurance, and of the Committee on the Ohio Soldiers' and Sailors' Orphans' Home, in the organization of the present Senate, and is taking a deep and studious interest in the matters thus assigned to him. The subject of insurance is being brought most prominently to the front by an unusual number of important bills which seek to make some radical

changes in the existing laws, while the proper management of the Home for Soldiers' Orphans is a natural matter of concern to the Senator, and especially so as the Home is situated in his district.

Mr. Marchant was born on a farm in Fayette county, October 3, 1855. His education was begun in the district school, and at the age of 18, he began teaching. He attended the Ohio Wesleyan University, graduating in the class of 1882, and in 1883 he was principal of the High School in Bellaire. He had been devoting his leisure hours to the private study of law, and, leaving his high school work at the end of the year, he graduated in the class of 1884 from the Law School, at Cincinnati. Since his admission to the bar, he has been in the enjoyment of a good practice in the county seat of his native county, and, in 1892, having been made the Credit Manager of the Dahl Milikan Wholesale Grocery Company of Washington C. H., he devoted the greater part of his time to the interests of that concern, until his election to his present seat in the Senate.

Senator Marchant is a member of the Methodist Episcopal Church, a member of the order of F. and A. Masons, and an Elk. His popularity in his own county is evidenced by the support it is giving him as a congressional candidate, since he began his legislative career. In addition to his assignments to the two chairmanships already mentioned, Mr. Marchant is a member of the committees on Judiciary, Finance, County Affairs, Corporations other than Municipal, and Universities and Colleges.

These separate assignments are an indication of the many distinct departments of public affairs with which the Senator from Fayette is brought in close contact during his first term in the Senate, and of the numerous demands being made upon him by each of them, as it is his habit to slight nothing as unimportant, or to give ill advised recommendations on matters concerning the public welfare.

ELEVENTH DISTRICT,

Composed of the Counties of Clark, Champaign and Madison.

EVAN P. MIDDLETON, OF URBANA,

Chairman of the Committee on State Buildings.

Senator Middleton, from the Eleventh Senatorial District, is a lawyer by profession. He was born in Champaign county, April 19, 1854, and received his education in the common schools and the Urbana High School. He taught school for eight years, and read law with the late John H. Young, of Urbana. He was admitted to the bar by the Supreme Court of Ohio in Octo 1878, and began the practice in the spring of 1879.

He was elected Prosecuting Attorney of Champai 1883, and re-elected in 1886, serving in that office si 1891 he was appointed by the Supreme Court and ser of the members of the Board of Examiners of the Law

the Cincinnati College for that year. He was a candidate for Congress in the Eighth Congressional District against Hon. A. Lybrand, representative from the Eighth Congressional District, at the end of his first term in 1898, and received in the convention the solid support of the delegates from Champaign and Hardin counties and a majority of the delegates from Logan county. He has always been a Republican and has taken an active part on the stump and in furthering the interest of that party for many years. He served two years on the Republican State Central Committee from the Eighth Congressional District and is now serving his fourth year as Chairman of the Champaign County Republican Executive Committee. He was unanimously nominated for State Senator by Republicans of the Eleventh District and elected by more than the usual majority. He is Chairman of the Committee on State Buildings of the Senate and a member of the committees on Judiciary, County Affairs, Common Schools and School Lands, Insurance, Federal Relations, and Privileges and Elections.

Mr. Middleton was married to Miss Zeppa Rippetoe, of Champaign county, December 29, 1875. They have three children, two sons and one daughter.

Biographical Sketches of Members of the Senate.

THIRTIETH DISTRICT,

Composed of the Counties of Huron, Erie, Sandusky and Ottawa

JOHN MITCHELL, OF PORT CLINTON,

Chairman of the Committee on Geological Survey.

Senator Mitchell is serving his second term in the Senate from the Thirtieth District, and is a striking figure in the front row of seats on the Democratic side of the chamber.

He was born at Ithaca, New York, October 14, 1833, but for over forty years has been a citizen of Ottawa county, Ohio. Previously he had spent three years as a sailor on the lakes. In 1861 he raised Company I, Forty-first O. V. I., but was unjustly deprived of the captaincy. Rather than desert the boys he had collected, he enlisted as a private, and by extreme gallantry won the rank he had been deprived of. At Mission Ridge, then a lieutenant, leading five men, and without orders, he flanked and cap-

tured a battery of two guns, and since that time he has been "Captain Jack Mitchell."

He has been four times honored by election to the office of Sheriff of Ottawa county, and at the time of his election to the Legislature was Deputy Customs Collector. He has always been a rock-ribbed Democrat.

He is an earnest and conscientious Senator, with his heart in the right place, and his vote is always found on the side of justice. He married a daughter of Benjamin Napier, who was with Commodore Perry in the Battle of Lake Erie (and in the celebrated painting of that battle in the State House is represented in the man with grey side whiskers who is setting directly in front of the Commodore,) and has four girls and five boys, one of whom, Frank, was a page in the Senate in 1898.

Senator Mitchell was Chairman of the Committee on Soldiers' and Sailors' Home during his first term in the Senate, and in the assignments of the present body, he is the Chairman of the standing committee on Geological Survey, and a member of the committees on Roads, Highways and Turnpikes, Soldiers' and Sailors' Orphans' Home, School for Imbecile Youth, Military Affairs, and Fish Culture and Game.

He is one of the promoters of the plan to erect suitable monuments on the positions occupied by Ohio troops on the battlefield of Shiloh. An appropriation has been secured at this session of the General Assembly for that purpose.

EIGHTEENTH-NINETEENTH DISTRICTS.

Composed of the Counties of Coshocton, Tuscarawas, Guernsey, all of Monroe, except Bethel and Benton townships, and Rinard's Mills precinct; and part of Noble, (Beaver, Buffalo, Enoch, Marion, Seneca, Stock and Wayne townships, and part of Center, Elk and Jefferson townships, East Union, and part of Dexter precinct.)

JOSEPH L. MYERS, OF NEW GUILFORD,

Chairman of the Committee on Labor.

Senator Meyers, of the Eighteenth — Nineteenth District, unintentionally made himself famous by indulging in his pastime of taking good long walks at home, where he thinks little of a walk to the county seat (Coshocton) from his home in New Guilford and back again in one day. So, being elected to the Senate, he walked to Columbus, and arrived to find that the news-

papers had thoroughly advertised his adventure, and made him for the moment an object of some comment. The Senator also walked into the good opinion of his fellow-members of the Senate, which is undoubtedly much more to his satisfaction, than was his trip overland.

Senator Myers comes of German and Quaker stock, and was born on a farm in Jackson township, Knox county, March 24, 1859. His parents removed to Perry township, Coshocton county, and he was taken from the district school at the age of fourteen years and put behind the plow to help pay the mortgage on his mother's home. He was elected Clerk of Perry township in 1880; in 1882, was apprenticed to Hanning & Willis, furniture manufacturers, of Mt. Vernon, Ohio, as an upholsterer. He continued in this business until 1888. He then returned to Coshocton county and was elected Justice of the Peace for Perry township in 1889. He has followed contracting since 1892. He was appointed Deputy Master of the Ohio State Grange, P. of H., for Coshocton county, twice. In 1892 he was appointed Special Lecturer for the State Grange for one year, having State jurisdiction. He has been Master of the Coshocton county Pomona Grange for the past four years, but has never held a county office. His immense popularity at home is shown by the fact that in the primaries by which he was nominated for the Senate on the Democratic ticket, he received a vote greater than the Democratic candidate for Governor received in the previous election, in the same precincts. Senator Myers is Chairman of the Committee on Labor, and is a member of the standing committees on County Affairs, Roads, Highways and Turnpikes, Agriculture, Benevolent Institutions, Ditches and Drains, Soldiers' and Sailors' Home, and Geological Survey.

Biographical Sketches of Members of the Senate.

FIRST DISTRICT,

Composed of Hamilton County.

CARL L. NIPPERT, OF CINCINNATI.

Chairman of the Committee on Municipal Corporations No. 1.

Senator Nippert, of the First District, was the only candidate on the Republican Senatorial ticket, who was not defeated by the Fusionists in the campaign of 1899; his unimpeachable record, and his personal popularity in Hamilton county, securing his election. He is the author of the bill to reform the city government of the city of Cincinnati, and in his aggressive fight to accomplish the passage of this bill, and thus to secure necessary reformation in the interest of good local government, has justified the expectations of his constituents.

Mr. Nippert was born in Frankfort-on-the-Main, Germany, of American parents sojourning in that city. After enjoying a liberal

education in Germany, Switzerland, and in this country, he became a teacher in the public schools, and was for ten years principal of the old Thirteenth District School of Cincinnati, now the Webster School on Findlay street. At that time it was the largest public school in the city. He began the study of law while teaching, and was admitted to the bar, graduating at the Cincinnati Law School in 1891; he has since followed the practice of his profession. He is the senior member of the firm of Nippert and Powell. In 1894 he was appointed Prosecuting Attorney of the Police Court of Cincinnati by Mayor (now Lieutenant Governor) Caldwell, and served in that capacity until 1897.

Senator Nippert is Chairman of the standing committee on Municipal Corporations No. 1, having in charge matters concerning the municipalities of Cincinnati and Cleveland, and Chairman of the Committee on Common Schools and School Lands, besides holding memberships in the committees on Corporations other than Municipal, Public Works and Public Lands, Insurance, Universities and Colleges, Sanitary Laws and Regulations, Fish Culture and Game, and Taxation.

SEVENTH DISTRICT,

Composed of the Counties of Adams, Pike, Scioto and Jackson.

SAMUEL L. PATTERSON, OF WAVERLY,

Chairman of the Committee on Finance.

The Republican Senator from Pike, is serving his first term as a member of the Senate, but is an active and aggressive exponent of the political principles of the party to which he has given his allegiance. He is one of the leaders of his party on the floor of the Senate, acknowledged as such by the apparently unanimous voice of the band of stalwart Republicans who comprise the majority in the Senate of the 74th General Assembly. His attention to the smallest details, and his capacity for continuous work is characteristic.

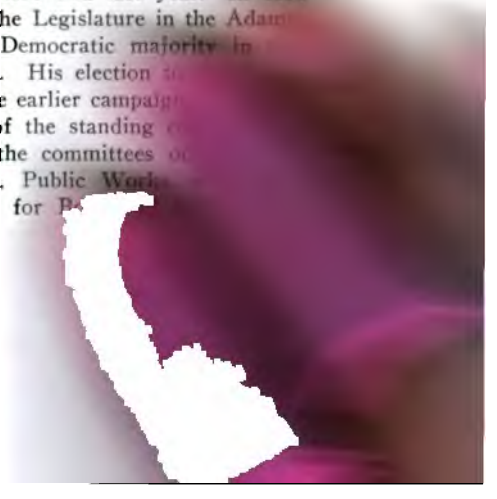
Senator Patterson was born in Piketon on the 7th day of September, 1860. His father was of Irish parentage, and combined

in himself at the time the son was born, the two occupations of village blacksmith and farmer. His mother is of Quaker parentage, being the granddaughter of the Hon. Joseph Lucas, a member of the first General Assembly of Ohio, whose brother was Governor Robert Lucas, and whose grandfather, Edward Lucas, came to America with William Penn, to whom he was related. The present senator was educated in the common schools in Piketon, and later, at the Normal University in Lebanon, after which he was a teacher in the public schools for a number of years. Engaging in the hardware business in Piketon, he was elected Mayor of his native town, an office to which he was continuously re-elected for ten years. Always active in politics, he has contributed largely to the recent success of his party in Pike county, by which it has become reliably Republican, while he was Chairman of the Republican Committee, overturning a Democratic majority which had been supposed to be invincible.

Senator Patterson began the study of law while engaged in the hardware business, as a student under the Hon. John A. Eylar, and was admitted to the bar, and began the active practice of his profession in January, 1895. He was married to Miss Lizzie, the daughter of the Rev. Samuel Bateman, then living in Piketon, in 1882. He has a family of seven children, the older son being Custodian of the Senate Cloak-room at the present time. The family residence is in Waverly.

The Senator has never been a candidate for public office other than as mentioned above, except in 1893 and last year. In 1893 he was the Republican candidate for the Legislature in the Adam Pike District, reducing the former Democratic majority in district almost to the vanishing point. His election in 1899 was the natural sequence to the earlier campaig

Mr. Patterson is the Chairman of the standing c Finance, and is also a member of the committees o Common Schools and School Lands, Public Work Lands, Insurance, Industrial Schools for P Printing, and Rules.



SECOND-FOURTH DISTRICT,

Composed of the Counties of Butler, Warren, Clermont and Brown.

WILLIAM FRANKLIN ROUDEBUSH, OF BATAVIA,

Chairman of the Committee on Medical Colleges and Universities.

Senator Roudebush from the Second—Fourth District (Joint) was born on a farm in Clermont county, on the third day of July, 1852, where all his boyhood days were spent under the oversight of his father, Col. William Roudebush, who instilled into the boy the virtues of industry, honor and truth. After receiving his first instruction in the common schools and graduating from the Normal University at Lebanon, he entered the Cincinnati Law School, and graduated with the class of 1876. He at once commenced the practice of law in Batavia. His practice is interfered with by his other private interests, and would be much larger could he devote his whole time to it, — a thing he has never been able to do.

He devotes a great part of his time to overseeing and managing his lands, of which he owns some twelve hundred acres, or more, of the best in the county, and which he so manages that it nets a good income. He is a lover of stock and extensively engaged in raising hogs, sheep and cattle, and is one of the most successful stock breeders and farmers of the county.

His ability as a lawyer, his ready and forcible way of speaking, his knowledge of business, as well as of the wants and needs of the people, make him one of the best equipped and most valuable members of the Senate. He is, and has ever been a reliable Democrat, commencing service for party when only twenty years old, by delivering speeches in the then national campaign; alert, active and earnest in all local political struggles, attending conventions, assisting in campaigns, he is one of the trusted and valuable men ever ready with purse, pen and voice to defend the right, or wage war to exterminate wrongs of the people.

Senator Roudebush was united in marriage in 1878, to Ida Anderson, of Newtonville, Clermont county, who died in 1889, leaving two sons, William Anderson Roudebush, now a student in Denison University, and Allen Cowen Roudebush, who is finishing the high school course of study in the Batavia schools.

In the Senate, he is Chairman of the Committee on Medical Colleges and Universities, and is the sponsor in the upper house, of the bill by Mr. Love, to regulate the practice of medicine in the State of Ohio. In addition, he is a member of the following standing committees: Judiciary, Municipal Corporations No 1, Common Schools and School Lands, Railroads and Telegraphs, Agriculture, Benevolent Institutions, Insurance, Universities and Colleges, and Fish Culture and Game.

THIRTY-FIRST DISTRICT,

Composed of the Counties of Seneca, Crawford and Wyandot.

JOHN C. ROYER, OF TIFFIN,

Chairman of the Committee on Sanitary Laws and Regulations.

The Senator from Seneca is a Democrat, an experienced public officer, a skillful attorney and a man of pleasant personality. Mr. Royer comes to the Senate almost directly from serving two terms as Probate Judge of Seneca county, and brings to the consideration of proposed legislation the trained mind of a successful judge whose experiences lie directly along the lines of the private and personal interests of the common people. The litigation before the Probate Court is a fruitful source of private weal or woe, and a legislator whose previous training has been along these lines in actual practice, has a distinct advantage in considering the possi-

bilities which lie wrapped up in the numerous propositions which come before the General Assembly.

Senator Royer was born in Thompson township, Seneca county, May 6, 1856, and lived with his parents on the farm until he was entered at Heidelberg University, Tiffin, at the age of eighteen. Graduating from the University with the class of 1879, he began the study of law, and was admitted to the bar by the Supreme Court of Ohio in October, 1881. He formed a partnership with Judge J. C. Rickenbaugh, and afterward with Judge Bunn, under whom he had been a student, but his active practice was interrupted by his election as Probate Judge in November, 1887, and by his re-election in 1890. After the expiration of his second term in 1894, Judge Royer again devoted himself to his profession and at the time of his election to the Senate was in possession of a satisfactory practice among the leading attorneys of Tiffin. In 1883 Mr. Royer was elected Mayor of Tiffin, defeating by the usual Democratic majority the late General Wm. H. Gibson, who was the nominee of the opposition. He was re-elected in 1885. Mr. Royer was married in April, 1883, to Miss Clara Baltzell, who died June 22, 1889, leaving three daughters, the oldest now sixteen years of age. Since the death of Mrs. Royer, the Senator's domestic establishment has been presided over by his mother and sister.

Senator Royer is Chairman of the standing committee on Sanitary Laws and Regulations, and is a member of the committees on Judiciary, Finance, Corporations other than Municipal, Public Works and Public Lands, Insurance, Universities and Colleges, Manufactures and Commerce, Fees and Salaries, State Buildings, Library, Revision, and Enrollment.

TWENTY-FOURTH — TWENTY-SIXTH DISTRICTS,

Composed of the Counties of Ashtabula, Geauga, Lake, Portage and Summit.

GEORGE W. SIEBER, OF AKRON,

Chairman of the Committee on Railroads and Telegraphs.

The Senator from Summit is a staunch Republican, who believes in the excellence of his party and its principles, and who has no hesitancy in defending those principles whenever occasion demands. Senator Sieber, is of German parentage, the son of Joseph Sieber and Sarah Moyer Sieber and was born on a farm in Snyder county, Pennsylvania, on Washington's birthday (February 22), 1858. In 1868 the family moved to Akron, Ohio, and he entered the public schools of that city, in which, and in Buchtel College, he received his education. He entered the Cincinnati Law School and graduated with the class of June, 1882, in which he took first

honors. He at once commenced the active practice of his profession in the city of Akron, and on the 11th day of September, 1883, was married to Miss Elsie C. Motz, of Middleburg, Pa., there being three children living of the marriage—Joseph B., Florence S., and Ruth. Mr. Sieber was elected Prosecuting Attorney of Summit county in October, 1886, and retired from the position in 1892 to form a law partnership under the firm name of Green, Grant and Sieber, with Judges Green and Grant. This firm still survives in the present firm of Grant and Sieber, Judge Green remaining with the partnership until his death. Senator Sieber was admitted to practice before the Supreme Court of the United States, March 25, 1897. He has always found time in the intervals of his professional career, to take an active interest in politics, and his election to the Senate in 1899, was a well-deserved tribute to his popularity and ability.

Senator Sieber is the Chairman of the Committee on Railroads and Telegraphs, and is also a member of the committees on Judiciary, Finance, Municipal Corporations No. 2, Common Schools and School Lands, Agriculture, and Taxation. His sympathies are with the people who make, and have made, American history, and his support is promptly given to measures loyal and patriotic.

SECOND-FOURTH DISTRICT,

Composed of the Counties of Butler, Warren, Clermont and Brown.

EMMONS B. STIVERS, OF VANCEBURG,

Chairman of the Committee on Federal Relations.

Senator Stivers, Second — Fourth District, is a decendant of Revolutionary ancestors, the Stivers and Creeds, of Virginia, and the Northrops and Reynolds, of Massachusetts. His paternal grandfather, Colonel Samuel King Stivers, served with General Duncan McArthur in Hull's campaign, in the War of 1812, and was surrendered to the British at Detroit. After his parole, assuming the name of "Samuel Bradford," he went to Kentucky and enlisted in Colonel Boswell's regiment, of General Green Clay's division, and served until his capture at the Battle of Maumee, May 5, 1813. He was confined with Colonel Dudley's men, in the block-house at Malden and was one of those who escaped the toma-

hawk and scalping knife through the interference of the Indian chief, Tecumseh.

Emmons B. Stivers was born in the town of Fincastle, Brown county, Ohio, which was platted and named by his grandfather in remembrance of Fincastle, Virginia, the home of his ancestors, and which was once the capital of the Northwest Territory, in the old colonial days. He was educated in the public schools of his native county and at the Normal University, Lebanon, Ohio, then under the control of President Alfred Holbrook. He was a teacher and Superintendent of Schools for a number of years, and is the author of two widely known publications — "Outlines of United States History" and "Recreations and School Studies." He founded and edited *The Index,* since merged into *The Democratic Index,* a weekly newspaper published at West Union, Ohio. He studied law, and in 1888 was admitted to the bar. A few years ago, his health failing, at the advice of his physicians he moved to his farm near the village of South Fincastle, Ohio, where he has since resided, looking after the interests of his publications and giving some attention to the practice of the law.

In politics, Mr. Stivers is, from natural inclinations and by education, a Democrat. He is a close student of Jefferson, Jackson, and Benton, and a firm adherent of the fundamental doctrines of the Democratic party. His ideal of political principles is embodied in the Chicago platform of 1896. He served three years on the Democratic State Central Committee. Prior to his election to this Senate he represented Brown county in the 72d and 73d General Assemblies in the House of Representatives. He is a Mason and Knight of Pythias.

Senator Stivers is Chairman of the Committee on Federal Relations, and is a member of the Committees on Judiciary, Municipal Corporations No. 2, County Affairs, Public Works and Public Lands, Insurance, Industrial School for Boys and Girls, Public Expenditures, and Taxation.

TWENTY-FIRST DISTRICT,

Composed of the Counties of Carroll and Stark.

GEORGE W. WILHELM, OF JUSTUS,

Chairman of the Committee on Claims.

Senator Wilhelm, of the Stark county District (the 21st), while serving his first term in the Ohio Senate, is not a stranger to the General Assembly. He was a member of the House of Representatives in the 68th and in the 72d General Assemblies, and in his campaign for the Senate in 1899 was elected by over 2,000 majority. He has the characteristic of all large men, a ready good nature which covers a decided and unflinching devotion to the standards of public and private policy to which he gives his allegiance, on mature deliberation. He is steadfast in his friendships and true in his redemption of personal or party pledges. His neighbors have been voting for him for Justice of the Peace so

long that he is now serving his eighth term in that modest office, which comes to him regularly, without an effort. His place of business in Justus is headquarters for the Veterans of the War of the Rebellion, the Masons, and the Elks, the Senator being a moving spirit in each of these organizations.

He was born in Wilmot, Stark county, August 15, 1847, — the oldest of a family of nine children. At six years of age his father moved to a farm, and the boy attended district school until he was thirteen, when he was withdrawn from the school to help his father run a threshing machine. At the age of sixteen, he enlisted in the Union Army, was present in the operations around Petersburgh under Burnside, witnessed the blowing up of the mines laid in the siege of the city, and continued in the service until discharged at the close of the war, in 1865. For the next fourteen years he was occupied with machine and saw mill work, until, in 1879, he opened up a general store in the town of Justus, where he has since been continuously engaged in mercantile pursuits. Senator Wilhelm stands high in the estimation of his neighbors and constituents, — and is well liked by his colleagues in the Senate. He has always been an earnest Republican, and an active exponent of the principles of the party, in local, as well as in state and national campaigns.

He is Chairman of the Committee on Claims, and is a member of the standing committees on Municipal Corporations No. 2, Roads Highways and Turnpikes, Public Works and Public Lands, Mines and Mining, Fees and Salaries, and Railroads and Telegraphs.

Senator Wilhelm was married to Miss Jane E. Sinnock, on the 24th day of December, 1867, and has a family of two children.

SEVENTEENTH-TWENTY-EIGHTH DISTRICTS,

Composed of the Counties of Knox, Morrow, Wayne and Holmes.

WILLIAM M. WILLIAMS, OF MARENGO,

Chairman of the Committee on Ditches and Drains.

Senator Williams, of the Seventeenth — Twenty-eighth District, is a Democrat in politics, and enjoys the distinction of having been elected to the Senate from a district so reliably allied to his party, that he had no opposition during the campaign. It was useless to oppose him. He is a farmer, and carries on the business of raising Dickinson Delain sheep, on the farm on which he was born, near the little city of Marengo in Morrow county. Born on the 20th day of March, 1850, he received his education in the district schools, supplemented with a term in the Wesleyan University at Delaware, at the age of twenty years. Teaching school in the winters, he entered Oberlin College for a course in the

school of Telegraphy, after which he worked at the carpenter trade until he was thirty years of age. Being appointed local agent and operator for the Toledo and Ohio Central Railroad, he returned to Telegraphy for twelve years, when the death of his parents called him to take up the management of the home farm, where he has since been engaged.

Mr. Williams' name appears with nearly every call of the yeas and nays — a silent witness to the strict attention he gives to the duties of his position. He is Chairman of the Committee on Ditches and Drains, and is a member of the standing committees on Railroads and Telegraphs, Roads Highways and Turnpikes, Industrial School for Boys and Girls, Soldiers' and Sailors' Home, Labor, Federal Relations, and Medical Colleges and Universities.

The Senator was married to Miss Clara J. Biggs on the 29th dav of May, 1875, and has a family of three children, two daughters (Belle and Hattie), ages 22 and 20, and one son (Benjamin Franklin), age 7.

TWENTY-SEVENTH — TWENTY-NINTH DISTRICT,

Composed of the Counties of Medina, Lorain, Ashland and Richland.

CHARLES D. WIGHTMAN, OF MEDINA,

Chairman of the Committee on Judiciary.

The Republican Senator from the Joint Twenty-Seventh — Twenty-ninth Districts, is serving his second term in the Ohio Senate, to which he has been twice elected before his 33d year. He was born on a farm in Lafayette township, Medina county, November 25, 1866, where he passed the first eighteen years of his life, attending the local district schools and afterwards graduating from the high school in Medina. He entered the Adrian (Mich.) College, graduating therefrom in 1889; was admitted to the bar n 1893, and immediately embarked in the practice of law, which e has since followed with gratifying success. While serving as 'rosecuting Attorney of Medina county, — an office to which he

was twice elected — he was chosen President of the Association of Prosecuting Attorneys of Ohio, and was in active practice when elected to the Senate in 1897. In 1895 and 1896 he was Chairman of the Medina County Republican Executive Committee, and in 1897 he was a delegate to the National Convention of Republican League Clubs, held in Detroit.

In the organization of the Senate of the 74th General Assembly, Mr. Wightman was made Chairman of the Committee on Judiciary, a committee whose membership comprised a majority of the whole Senate. He is also a member of the committees on Railroads and Telegraphs, Privileges and Elections, Fees and Salaries, and Rules. In connection with his membership on the Committee on Rules he has given the present revision of the Rules of the General Assembly his cordial support.

TWENTY-THIRD DISTRICT,

Composed of the Counties of Trumbull and Mahoning.

BENJAMIN F. WIRT, OF YOUNGSTOWN,

Chairman of the Committee on Municipal Corporations No. 2.

The Senator from the Twenty-third District, a staunch Republican, from a stalwart Republican constituency, is serving in the first public station he ever occupied. His nomination and election to a seat in this branch of the General Assembly was brought about by a movement led by a number of the leading citizens of his district, at whose request he became a candidate before the senatorial convention. His majority was 5,000 votes in the district. Senator Wirt was born in West Mesex, Mercer county, Pennsylvania, during the temporary n of his parents, who had gone there from Ohio a short time

previous to his birth, which occurred on the 26th day of March, 1852. He was educated in the public schools and at the Rayen School in Youngstown, graduating from the latter in June, 1869. He began the study of law, and, after being admitted to the bar, began the practice of his chosen profession in Youngstown in the year 1873. He is still engaged in practice, being a member of the well known law firm of Norris and Wirt. Coming from the stock of the early settlers of the Western Reserve, and living in daily touch with the life of its people, the Senator feels an especial pride in being permitted to represent the "Reserve" in the General Assembly of Ohio.

As a Senator, Mr. Wirt is Chairman of the standing committee on Municipal Corporations No. 2 (having in charge the interests of all the municipalities in the State, except those of Cincinnati and Cleveland), and is a member of the committees on Judiciary, Railroads and Telegraphs, Taxation, Benevolent Institutions, and Library. He is deeply in earnest in everything he undertakes, and is a hard-working and painstaking legislator.

Senator Wirt was married on the 23d day of June, 1881, to Miss Mary McGeehen. He is a member of the Christian Church.

Biographical Sketch of the Clerk of the Senate.

WILLIAM B. UHL, OF CLEVELAND,

The Clerk of the Senate.

The Clerk of the Senate, who is the official head of the entire clerical force of the chamber, is William B. Uhl, of Cleveland, who is serving his first term in this body. Mr. Uhl comes to Columbus a stranger to the Capitol, but is giving to the duties of his position the benefit of years of business and political training.

Mr. Uhl was born in Cleveland, on the 6th day of December, 1862, his father being the junior member of Myers, Uhl & Co., wholesale dealers in marble. The boy was educated in the public schools of his native city, finishing his education at Kenyon College, Gambier, Ohio. Leaving Kenyon in 1881, at the age of 19, Mr. Uhl entered his father's office, where he remained until he accepted a position with the L. S. & M. S. R. R. in Cleveland in 1888, in which service he resigned in 1892 to become the paying

teller of the Money Order Department of the Cleveland Post Office, by appointment under the Civil Service. In 1898 he again resigned, to enter the service of the American Surety Company of New York, as Cleveland Manager for the company—a position he now holds.

In September, 1882, Mr. Uhl was married to Miss Nettie B. Dittrick, of St. Catherine's, Canada, and has two daughters. The family residence is in West Cleveland, in one of the attractive suburbs of the "Forest City."

Biographical Sketch of the Assistant Clerk of the Senate.

ELLIOT HOWARD GILKEY, OF COLUMBUS.

Assistant Clerk of the Senate.

The election of the outgoing clerk of the Senate (Mr. D. O. Castle), to a seat in the House of Representatives, and his consequent inability to perform the statutory ten days' service in the organization of the Senate, led to his resignation of the clerkship on the 30th day of December, 1899, and the unanimous election of Mr. Gilkey, on the morning of January 1st, as Clerk of the Senate for the unexpired term, for the purpose of completing the organization of the body. The compliment of his selection by Mr. Castle to act in this emergency, and his prompt election by the Senate, at its first meeting, is appreciated and acknowledged. At the expiration of the term for which he was elected, Mr. Gilkey elected as an assistant clerk, and assigned to general duty. harge of the preparation of the Senate Calendars, is Clerk

Biographical Sketch of the Assistant Clerk of the Senate.

to the Presiding Officer, is the editor of the present Rules of Practice of the 74th General Assembly, and of this edition of the Ohio Manual.

He was born in Warren, Trumbull county, February 8, 1857, of New England stock, his father's people coming to Ohio early in the century from Windsor, Vermont, and his mother's parents coming from Hartford and New Haven, Connecticut, prior to 1815. His father (Sheldon E. Gilkey), entered the Union Army, and was killed in the Wilderness campaign at Chancellorsville, Va., in May, 1864

The son was educated in the common schools of West Farmington, Trumbull county, until he was admitted to the Ohio Soldiers' Orphans' Home, at Xenia, in January, 1870. He was honorably discharged from the Home in June, 1874, having left the institution in January previous, to serve a second term as Page in the Senate, by the appointment and recommendation of the Superintendent. This led him to take up his residence in Columbus, where he has since resided almost continuously. In 1882, while clerking in the hardware store of Wilson L. Gill, he organized in Ohio the order known as the Sons of Veterans, with which he has been continuously affiliated for eighteen years. He is a life member of the Commandery in Chief, and Chief of Staff in the Ohio Division at the present time.

Biographical Sketch of the Sergeant-at-Arms of the Senate.

LIONEL S. PARDEE, OF AKRON,

Sergeant-at-Arms of the Senate.

Mr. Pardee, is serving his first term in the employ of the Senate. He was born in Wadsworth, Medina county, on the 28th day of August, 1865, but the removal of his parents to Akron when he was eight years of age, led to his being educated in the public schools of the city which has since been his home. He entered the employment of the Adams Express Company in his early years, but in 1892 graduated from the Cincinnati Law School, and was admitted to the bar. He has since been engaged in the practice of his profession at Akron and, in his comparatively short professional experience, has been connected with some of the most important in Summit county. In addition to his practice, Mr. Pardee

has found time to take an active interest in the politics of his native State, and of his local districts. As Sergeant-at-Arms of the Senate Mr. Pardee is well liked, and a conscientious servant of the General Assembly.

PART FIVE.

OFFICIAL DIRECTORY

OF THE

MEMBERS, OFFICERS AND STANDING COMMITTEES

OF THE

HOUSE

OF THE

Seventy-Fourth General Assembly of Ohio.

1900-1901.

OFFICERS OF THE HOUSE—74TH GENERAL ASSEMBLY.

Names.	Position.	P. O. Address.
Arlington G. Reynolds	Speaker	Painesville.
Jacob B. Snyder	Speaker pro. tem	Canton.
Burgess L. McElroy	Clerk	Mt. Vernon.
John P. Maynard	Assistant Clerk	Washington C. H.
T C. Thomas	Journal Clerk	Gallipolis.
William R. Dutton	Message Clerk	Salineville.
L. Howard Jones	Engrossing Clerk	Findlay.
Jesse Jackson	Enrolling Clerk	Paulding.
Harry E. Scott	Recording Clerk	Troy.
Harry L. Davis	Auditing Clerk	Cleveland.
Andrew Jackson	Sergeant-at-Arms	Cedarville.
J. G. Steinkamp	First Asst. Sergeant-at-Arms	Elmore.
D. L. Yarnell	Second Asst. Sergeant-at-Arms	Selma.
Fred Blankner	Third Asst. Sergeant-at-Arms	Columbus.

ASSISTANT CLERKS AND SERGEANT-AT-ARMS OF THE HOUSE.

JESSE JACKSON.	D. L. YARNELL,	L. H. JONES.
HARRY E. SCOTT.	Asst. Sergeant-at-Arms.	HARRY L. DAVIS.
WM. R. DUTTON.	JOHN P. MAYNARD.	THOMAS C. THOMAS.

MEMBERS OF THE HOUSE—74TH GENERAL ASSEMBLY.

County.	Name.	Politics.	P. O. Address.	Occupation.
Adams and Pike.	Joseph D. Wilson....	R	Cynthiana.....	Farmer.
Allen	Chas. H. Adkins*.....	D	Lima.....	Attorney-at-Law.
Ashland	Charles I. Goard*.....	D	Loudonville.....	Attorney-at-Law.
Ashtabula	W. S. McKinnon* ...	R	Ashtabula.....	Machinist.
Athens	Aaron E. Price.....	R	Athens.....	Attorney-at-Law.
Auglaize	Joseph E. Schmieder*	D	Minster.....	Insurance Agent.
Belmont	Elihu B. Armstrong*..	R	Armstrong's Mills	Farmer.
Brown	J. D. Garrison.....	D	Georgetown.....	Minister.
Butler	Wilson S. Warwick...	D	Hamilton.....	Commercial Trav.
	Bert S. Bartow*.....	D	Hamilton.....	Student.
Carroll	(See Harrison.)			
Champaign	Edwin Hagenbuch....	R	Urbana.....	Farmer.
Clark.....	Stacy B. Rankin*.....	R	South Charleston.	Banker.
Clermont.....	Galen L. Cline*.....	D	Perintown.....	Physician.
Clinton.....	Ross E. Holaday.....	R	Wilmington.....	Attorney-at-Law.
Columbiana.....	Samuel Buell	R	Salem.....	Contractor.
Coshocton.....	J. C. Adams*.....	D	Coshocton.....	Attorney-at-Law.
Crawford.....	D. O. Castle.....	D	Galion.....	Insurance Agent.
Cuyahoga.....	Joseph H. Breck* † ††	R	Newburgh.....	Farmer.
	Harry C. Smith† ††...	R	Cleveland.....	Editor and Pub.
	Thomas W. Roberts*	R	Cleveland.....	Engineer.
	Dayton W. Glenn.....	R	Cleveland.....	Real Estate Dealer.
	Evan H. Davis*.....	R	Cleveland.....	Puddler.
	Harry A. Tilden.....	R	Cleveland.....	Attorney-at-Law.
	Peter A. Mackenzie..	R	Cleveland.....	Exp. Accountant.
	William G. Phare.....	R	Cleveland.....	Attorney-at-Law.
Darke.....	C. L. Brumbaugh.....	D	Greenville.....	Attorney-at-Law.
Defiance.....	John M. Ainsworth...	D	Hicksville.....	General Merch.
Delaware.....	Thomas R. Smith*....	R	Delaware.....	Farmer.

MEMBERS OF THE HOUSE—74TH GENERAL ASSEMBLY—Continued.

County.	Name.	Politics	P. O. Address.	Occupation.
Erie	Maro J. Love*	R	Bloomingville	Physician.
Fairfield	Robert H. Sharp	D	Sugar Grove	Far. & Quar'man.
Fayette	Reuben Rankin*	R	Parrott	Farmer.
Franklin	Charles Merion, Jr††	R	Sta. C, Columbus	Farmer.
	Ele W. Tuller	R	Dublin	Merch. and Farmer.
	Ferd. H. Heywood	R	Columbus	Attorney-at-Law.
	Thomas H. Clark	R	Columbus	Attorney-at-Law.
Fulton	Charles L. Allen° **	R	Fayette	Banker.
Gallia	I. F. Chapman*	R	Gallipolis	Editor.
Geauga	(See Lake.)			
Greene	Horace Ankeney	R	Alpha	Farmer.
Guernsey	William L. Simpson	D	Creighton	Farmer.
Hamilton	Charles L. Swain	D	Cincinnati	Attorney-at-Law.
	William J. O'Neil*	D	Cincinnati	Mgr. U. S. Inv. Co.
	William Saffin, Jr	D	Cincinnati	Moulder.
	Ernst H. Rothe*	D	Cincinnati	Dentist.
	Henry Hater*	D	Cincinnati	Shoe Merchant.
	Harry M. Hoffheimer	R	Cincinnati	Attorney-at-Law.
	Nicholas Longworth	R	Cincinnati	Attorney-at-Law.
	Graham P. Hunt	R	Cincinnati	Attorney-at-Law.
	Geo. Kreis††	R	Cincinnati	Insur. and Invest.
	Frank W. Hendley	R	Cincinnati	Physician.
Hancock	Ralph D. Cole	R	Findlay	Law Student.
Hardin	Frank B. Willis	R	Ada	Teacher.
Harrison & Carroll	Samuel S. Hamill	R	Connotton	Farmer.
Henry	Theodore M. Gehrett	D	Deshler	Physician.
Highland	N. P. Clyburn	D	Greenfield	Attorney-at-Law.
Hocking	(See Vinton.)			

MEMBERS OF THE HOUSE—74TH GENERAL ASSEMBLY—Continued.

County.	Name.	Politics.	P. O. Address.	Occupation.
Holmes	David Collier	D	Plimpton	Grain Dealer.
Huron	George T. Thomas	R	Norwalk	Attorney-at-Law.
Jackson	Lot Davies*	R	Jackson	Furnaceman.
Jefferson	M. N. Duval	R	Fernwood	Teacher.
Knox	Patrick A. Berry	D	Howard	Attorney-at-Law.
Lake & Geauga	A. G. Reynolds*	R	Painesville	Attorney-at-Law.
Lawrence	Daniel B. Mauck	R	Proctorville	Merchant.
Licking	William Bell, Jr**	D	Newark	Attorney-at-Law.
Logan	Luther H. Pool	R	De Graff	Farmer.
Lorain	Andrew G. Comings	R	Oberlin	Merchant.
Lucas	Chas. P. Griffin§‡¶†	R	Toledo	Real Est. & Farmer.
	George Demuth	R	Whitehouse	P. M. and Teacher.
Madison	J. L. Haner	R	London	Attorney-at-Law.
Mahoning	Hugh A. Manchester	D	Canfield	Banker & Farmer.
Marion & Morrow	William L. Raub	D	La Rue	Farmer.
Medina	Edwin A. Clement	R	Brunswick	Farmer.
Meigs	F. C. Russell	R	Middleport	Attorney-at-Law.
Mercer	Samuel V. Brown	D	Montezuma	Teacher.
Miami	John A. McCurdy*	R	Troy	Farmer.
Monroe	W. H. Booth*	D	Graysville	Merchant.
Montgomery	John C. Myers	R	Miamisburg	Attorney-at-Law.
	Charles R. Atherton	D	Dayton	Metal Polisher.
Morgan	Errett LeFever	R	Mountville	Physician.
Morrow	(See Marion.)			
Muskingum	Amos N. Gray	D	Zanesville	Farmer.
	Robert Silvey	D	Zanesville	Merchant.
Noble	Chris McKee‡	D	Belle Valley	Farmer and Oil [Oper.
	John H. Magee*	D	Elmore	Banker & Manfr.

MEMBERS OF THE HOUSE—74TH GENERAL ASSEMBLY—Continued.

County.	Name.	Politics.	P. O. Address.	Occupation.
Paulding	John D. Brown	R	Payne	Farmer.
Perry	Wm. E. Finck, Jr.(1)	D	Somerset	Attorney-at-Law.
Pickaway	Barzillai Adkins	D	Deer Creek	Farmer.
Pike	(See Adams.)			
Portage	William H. Crafts	R	Mantua Station	Banker and Wool [Dealer.
Preble	Philip A. Saylor	D	West Alexandria	Law Student.
Putnam	N. B. Ross*	D	Gilboa	Minister.
Richland	Joseph M. Hunter*	D	Rome	Farmer.
Ross	Robert L. Irvin	D	Frankfort	Farmer and Stock [Breeder.
Sandusky	Hal C. DeRan*	D	Fremont	Attorney-at-Law.
Scioto	A. F. McCormick*	R	Portsmouth	Attorney-at-Law.
Seneca	Henri Melber*	D	Republic	Attorney-at-Law.
Shelby	William E. Partington	D	Platisville	Teacher.
Stark	Jacob B. Snyder*	R	Canton	Attorney-at-Law.
	R. A. Pollock	R	North Lawrence	Law Student.
	Clark W. Metzger	R	Richville	Teacher.
Summit	Charles F. Seese	R	Hudson	Supt. of Schools.
Trumbull	Thomas Kinsman	R	Kinsman	Farmer.
Tuscarawas	Chas. J. McGlinchey*	D	Mineral Point	Miner.
	John T. Duff	R	Newcomerstown	Editor.
Union	Francis T. Arthur	R	Marysville	Attorney-at-Law.
Van Wert	Sumner E. Walters	R	Glenmore	Farmer.
Vinton & Hocking	Charles S. Rannells	R	Zaleski	Physician.
Warren	William T. Whitacre.	R	Morrow	Lumber Dealer.
Washington	C. C. Middleswart	R	Marietta	Attorney-at-Law.
Wayne	Urias F. Wells	D	Shreve	Stock Dealer.
Williams	William M. Denman	D	West Unity	Phys. and Banker.

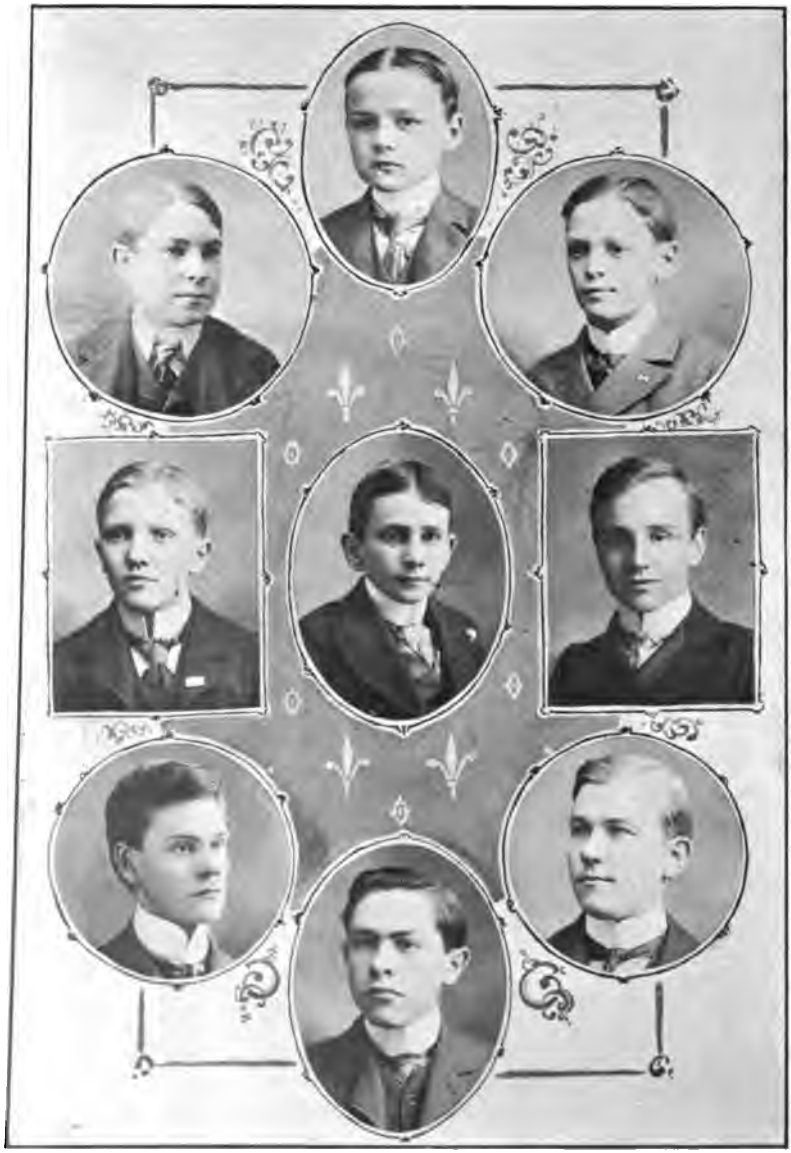
MEMBERS OF THE HOUSE—74TH GENERAL ASSEMBLY—Concluded.

County.	Name.	Politics.	P. O. Address.	Occupation.
Wood.....	Franklin P. Riegle...	R	Hoytville.....	Teacher & Farmer.
	Clyde R. Painter.....	R	Bowling Green...	Attorney-at-Law.
Wyandot.....	Wm. C. Gear‡ (3) (3)..	D	Upper Sandusky.	Civil Engineer.

* Member of Seventy-third General Assembly.
†† Member of Seventy-second General Assembly.
† Member of Seventy-first General Assembly.
¶ Member of Seventieth General Assembly.
(1) Member of the Senate, Seventy-third General Assembly.
(2) Member of the Senate, Seventieth General Assembly.
(3) Member of the Senate, Sixty-ninth General Assembly.
† Member of Sixty-ninth General Assembly.
§ Member of Sixty-eighth General Assembly.
** Member of Sixty-fifth General Assembly.
° Member of Sixty-fourth General Assembly.

RECAPITULATION.

Representatives— Republicans		65
Democrats		45
		110



PAGES OF THE HOUSE.

HENRY MILLER.
CLARENCE E. SMITH.
WINFIELD WORLINE.
HARTZELL HOSMER.
PAUL MANN.
HOWARD FRENCH.
REX LEONARD.
DON MCGILL.
ROY KING.

STANDING COMMITTEES OF THE OHIO HOUSE.

ALPHABETICALLY ARRANGED.

COMMITTEE ON AGRICULTURE.

1. Thomas R. Smith (R) . . . Of Delaware.
2. Luther H. Pool (R) . . . Of DeGraff.
3. Edwin A. Clement (R) . . . Of Brunswick.
4. Elihu B. Armstrong (R) . . Of Armstrong's Mills.
5. Horace Ankeney (R) . . . Of Alpha.
6. William L. Simpson (D) . . Of Creighton.
7. Urias F. Wells (D) . . . Of Shreve.
8. John M. Ainsworth (D) . . Of Defiance.
9. Robert L. Irvin (D) . . . Of Frankfort.

COMMITTEE ON ASYLUM OF INSANE.

1. J. L. Haner (R) . . . . Of London.
2. Charles S. Rannels (R) . . Of Zaleski.
3. Errett LeFever (R) . . . Of Mountville.
4. John C. Myers (R) . . . Of Miamisburg.
5. Frank W. Hendley (I R) . . Of Cincinnati.
6. William M. Denman (D) . . Of West Unity.
7. Theodore M. Gehrett (D) . . Of Deshler.
8. Galen L. Cline (D) . . . Of Perintown.
9. Joseph M. Hunter (D) . . . Of Rome.

COMMITTEE ON BLIND ASYLUM.

1. Ralph D. Cole (R) . . . Of Findlay.
2. Harry M. Hoffheimer (R) . . Of Cincinnati.
3. Harry C. Smith (R) . . . Of Cleveland.
4. Ele W. Tuller (R) . . . Of Dublin.
5. William L. Simpson (D) . . Of Creighton.
6. Charles J. McGlinchey (D) . . Of Mineral Point.
7. John H. Magee (D) . . . Of Elmore.

COMMITTEE ON BOYS' INDUSTRIAL SCHOOL.

1. Thomas Kinsman (R) . . . Of Kinsman.
2. Evan H. Davis (R) . . . Of Cleveland.
3. Franklin P. Riegle (R) . . . Of Hoytsville.
4. Charles F. Seese (R) . . . Of Hudson.
5. Robert H. Sharp (D) . . . Of Sugar Grove.
6. William Saffin, Jr. (D) . . Of Cincinnati.
7. Wilson S. Warwick (D) . . Of Hamilton.

Standing Committees of the Ohio House.

COMMITTEE ON CLAIMS.

1. Dayton W. Glenn (R) . . . Of Cleveland.
2. Graham P. Hunt (I R) . . Of Cincinnati.
3. Edwin Hagenbuch (R) . . . Of Urbana.
4. Samuel S. Hamill (R) . . Of Connotton.
5. Wilson S. Warwick (D) . . Of Hamilton.
6. William C. Gear (D) . . . Of Upper Sandusky.
7. W. H. Booth (D) . . . . Of Graysville.

COMMITTEE ON COMMON SCHOOLS.

1. Charles F. Seese (R) . . . Of Hudson.
2. Horace Ankeney (R) . . . Of Alpha.
3. Ralph D. Cole (R) . . . . Of Findlay.
4. Charles Merion, Jr. (R) . . Of Columbus.
5. Charles L. Swain (D) . . . Of Cincinnati.
6. Clement L. Brumbaugh (D) . Of Greenville.
7. Hugh A. Manchester (D) . . Of Canfield.

COMMITTEE ON CORPORATIONS.

1. Jacob B. Snyder (R) . . . Of Canton.
2. A. F. McCormick (R) . . Of Portsmouth.
3. Ele W. Tuller (R) . . . Of Dublin.
4. J. L. Haner (R) . . . . Of London.
5. William J. O'Neil (D) . . . Of Cincinnati.
6. Philip A. Saylor (D) . . . Of West Alexandria.
7. Henri Melber (D) . . . . Of Republic.

COMMITTEE ON COUNTY AFFAIRS.

1. Charles L. Allen (R) . . . Of Fayette.
2. Luther H. Pool (R) . . . Of DeGraff.
3. Ross E. Holaday (R) . . . Of Wilmington.
4. Samuel Buell (R) . . . Of Salem.
5. John M. Ainsworth (D) . . . Of Defiance.
6. Hugh A. Manchester (D) . . Of Canfield.
7. Barzillai Adkins (D) . . . Of Deer Creek.

COMMITTEE ON DAIRY AND FOOD PRODUCTS.

1. William G. Phare (R) . . . Of Cleveland.
2. Maro J. Love (R) . . . Of Bloomingville.
3. Daniel B. Mauck (R) . . . Of Proctorville.
4. Luther H. Pool (R) . . . Of DeGraff.
5. Robert H. Sharp (D) . . . Of Sugar Grove.
6. Henry Hater (D) . . . Of Cincinnati.
7. Robert L. Irvin (D) . . . Of Frankfort.

COMMITTEE ON DEAF AND DUMB ASYLUM.

1. John A. McCurdy (R) . . . Of Troy.
2. Charles L. Allen (R) . . . Of Fayette.
3. Joseph D. Wilson (R) . . . Of Cynthiana.
4. Francis T. Arthur (R) . . Of Marysville.
5. Robert H. Sharp (D) . . . Of Sugar Grove.
6. Henry Hater (D) . . . Of Cincinnati.
7. Joseph E. Schmieder (D) . . Of Minster.

COMMITTEE ON DITCHES, DRAINS AND WATER-COURSES.

1. Samuel S. Hamill (R) . . . Of Connotton.
2. George Demuth (R) . . . Of Whitehouse.
3. John D. Brown (R) . . . Of Payne.
4. Sumner E. Walters (R) . . Of Glenmore.
5. Philip A. Saylor (D) . . Of West Alexandria.
6. Frank B. Willis (R) . . . Of Ada.
7. Robert Silvey (D) . . . . Of Zanesville.

COMMITTEE ON ELECTIONS.

1. Clyde R. Painter (R) . . . Of Bowling Green.
2. Thomas H. Clark (R) . . . Of Columbus.
3. John A. McCurdy (R) . . . Of Troy.
4. M. N. Duval (R) . . . Of Fernwood.
5. William J. O'Neil (D) . . . Of Cincinnati.
6. Bert S. Bartlow (D) . . . Of Hamilton.
7. Henri Melber (D) . . . . Of Republic.

Standing Committees of the Ohio House.

COMMITTEE ON ENROLLMENT (JOINT COMMITTEE).

1. M. N. Duval (R) . . . . Of Fernwood.
2. Franklin P. Riegle (R) . . Of Hoytville.
3. Clark W. Metzger (R) . . . Of Richville.
4. William E. Partington (D) . Of Plattsville.
5. Samuel V. Brown (D) . . . Of Montezuma.

COMMITTEE ON FEDERAL RELATIONS.

1. Samuel Buell (R) . . . . Of Salem.
2. Thomas W. Roberts (R) . . Of Cleveland.
3. Thomas Kinsman (R) . . . Of Kinsman.
4. Clark W. Metzger (R) . . Of Richville.
5. Henry Hater (D) . . . . Of Cincinnati.
6. W. H. Booth (D) . . . Of Graysville.
7. William Saffin, Jr. (D) . . . Of Cincinnati.

COMMITTEE ON FEES AND SALARIES.

1. Elihu B. Armstrong (R) . . Of Armstrong's Mills.
2. Ross E. Holaday (R) . . . Of Wilmington.
3. Peter A. Mackenzie (R) . . . Of Cleveland.
4. Edwin Hagenbuch (R) . . Of Urbana.
5. Bert S. Bartlow (D) . . . Of Hamilton.
6. William C. Gear (D) . . . Of Upper Sandusky.
7. Patrick A. Berry (D) . . . Of Howard.

COMMITTEE ON FINANCE.

1. W. S. McKinnon (R) . . . Of Ashtabula.
2. William H. Crafts (R) . . Of Mantua.
3. Reuben Rankin (R) . . . Of Parrott.
4. Elihu B. Armstrong (R) . . Of Armstrong's Mills.
5. Charles P. Griffin (R) . . . Of Toledo.
6. Edwin Hagenbuch (R) . . Of Urbana.
7. Charles L. Swain (D) . . . Of Cincinnati.
8. John H. Magee (D) . . . Of Elmore.
9. Charles H. Adkins (D) . . . Of Lima.

Standing Committees of the Ohio House.

COMMITTEE ON FISH CULTURE AND GAME.

1. Thomas W. Roberts (R) . . Of Cleveland.
2. W. S. McKinnon (R) . . . Of Ashtabula.
3. Joseph D. Wilson (R) . . . Of Cynthiana.
4. Samuel S. Hamill (R) . . . Of Connotton.
5. Henri Melber (D) . . . . Of Republic.
6. Urias F. Wells (D) . . . Of Shreve.
7. William L. Simpson (D) . . Of Creighton.

COMMITTEE ON GEOLOGY OF MINES AND MINING.

1. R. A. Pollock (R) . . . . Of North Lawrence.
2. George Kreis (I R) . . . Of Cincinnati.
3. Harry A. Tilden (R) . . . Of Cleveland.
4. George Demuth (R) . . . Of Whitehouse.
5. William Bell, Jr. (D) . . . Of Newark.
6. Charles J. McGlinchey (D) . . Of Mineral Point.
7. N. B. Ross (D) . . . . Of Gilboa.

COMMITTEE ON GIRLS' INDUSTRIAL HOME.

1. Charles Merion, Jr. (R) . . . Of Columbus.
2. Thomas R. Smith (R) . . . Of Delaware.
3. Lot Davies (R) . . . . Of Jacksor.
4. J. D. Brown (R) . . . . Of Payne.
5. Charles I. Goard (D) . . . Of Loudonville.
6. J. D. Garrison (D) . . . Of Georgetown.
7. Barzillai Adkins (D) . . . Of Deer Creek.

COMMITTEE ON HOSPITAL FOR EPILEPTICS.

1. F. C. Russell (R) . . . . Of Middleport.
2. George T. Thomas (R) . . . Of Norwalk.
3. I. F. Chapman (R) . . . . Of Gallipolis.
4. William H. Crafts (R) . . Of Mantua.
5. William E. Finck, Jr. (D) . . Of Somerset.
6. Charles H. Adkins (D) . . Of Lima.
7. Amos N. Gray (D) . . . Of Zanesville.

Standing Committees of the Ohio House.

COMMITTEE ON INSTITUTION FOR FEEBLE-MINDED YOUTH.

1. Charles P. Griffin (R) . . . Of Toledo.
2. Aaron E. Price (R) . . . Of Athens.
3. Ferd H. Heywood (R) . . . Of Columbus.
4. Maro J. Love (R) . . . Of Bloomingville.
5. Chris McKee (D) . . . . Of Belle Valley.
6. Amos N. Gray (D) . . . Of Zanesville.
7. Samuel V. Brown (D) . . . Of Montezuma.

COMMITTEE ON INSURANCE.

1. Reuben Rankin (R) . . . Of Parrott.
2. George Kreis (I R) . . . Of Cincinnati.
3. Harry A. Tilden (R) . . . Of Cleveland.
4. Thomas H. Clark (R) . . . Of Columbus.
5. William J. O'Neil (D) . . . Of Cincinnati.
6. N. P. Clyburn (D) . . . Of Greenfield.
7. Joseph E. Schmieder (D) . . Of Minster.

COMMITTEE ON JUDICIARY.

1. Aaron E. Price (R) . . . Of Athens.
2. George T. Thomas (R) . . Of Norwalk.
3. William G. Phare (R) . . . Of Cleveland.
4. John C. Myers (R) . . . Of Miamisburg.
5. Clyde R. Painter (R) . . . Of Bowling Green.
6. Clarence C. Middleswart (R) . Of Marietta.
7. William E. Finck, Jr. (D) . . Of Somerset.
8. Patrick A. Berry (D) . . Of Howard.
9. Charles I. Goard (D) . . . Of Loudonville.
10. Hal C. DeRan (D) . . . Of Fremont.
11. Clement L. Brumbaugh (D) . . Of Greenville.

Standing Committees of the Ohio House.

COMMITTEE ON LABOR.

1. Evan H. Davis (R) . . . Of Cleveland.
2. I. F. Chapman (R) . . . Of Gallipolis.
3. George Demuth (R) . . . Of Whitehouse.
4. Samuel Buell (R) . . . Of Salem.
5. Charles R. Atherton (D) . . Of Dayton.
6. William Saffin, Jr. (D) . . Of Cincinnati.
7. Charles J. McGlinchey (D) . . Of Mineral Point.

COMMITTEE ON LIBRARY.

1. Horace Ankeney (R) . . . Of Alpha.
2. Ross E. Holaday (R) . . . Of Wilmington.
3. Stacy B. Rankin (R) . . . Of South Charleston.
4. Andrew G. Comings (R) . . Of Oberlin.
5. Samuel V. Brown (D) . . . Of Montezuma.
6. William L. Raub (D) . . . Of LaRue.
7. Hal C. DeRan (D) . . . . Of Fremont.

COMMITTEE ON MANUFACTURES AND COMMERCE.

1. Peter A. Mackenzie (R) . . . Of Cleveland.
2. Frank W. Hendley (I R) . . Of Cincinnati.
3. Daniel B. Mauck (R) . . . Of Proctorville.
4. Edwin A. Clement (R) . . Of Brunswick.
5. John M. Ainsworth (D) . . . Of Hicksville.
6. William L. Raub (D) . . . Of LaRue.
7. Wilson S. Warwick (D) . . . Of Hamilton.

COMMITTEE ON MEDICAL COLLEGES AND SOCIETIES.

1. Maro J. Love (R) . . . . Of Bloomingville.
2. Errett LeFever (R) . . . Of Mountville.
3. Frank W. Hendley (I R) . . Of Cincinnati.
4. Charles S. Rannells (R) . . Of Zaleski.
5. William M. Denman (D) . . Of West Unity.
6. Theodore M. Gehrett (D) . . Of Deshler.
7. Galen L. Cline (D) . . . . Of Perintown.

Standing Committees of the Ohio House.

COMMITTEE ON MILITARY AFFAIRS.

1. Frank B. Willis (R) . . . Of Ada.
2. Frank W. Hendley (I R) . . Of Cincinnati.
3. Harry C. Smith (R) . . . Of Cleveland
4. A. F. McCormick (R) . . Of Portsmouth.
5. David Collier (D) . . . . Of Plimpton.
6. William C. Gear (D) . . . Of Upper Sandusky.
7. William E. Partington (D) . . Of Plattsville.

COMMITTEE ON MUNICIPAL AFFAIRS.

1. Ferd H. Heywood (R) . . . Of Columbus.
2. Andrew G. Comings (R) . . Of Oberlin.
3. Harry M. Hoffheimer (R) . . Of Cincinnati.
4. Francis T. Arthur (R) . . Of Marysville.
5. F. C. Russell (R) . . . . Of Middleport.
6. Hal C. DeRan (D) . . . Of Fremont.
7. Robert Silvey (D) . . . . Of Zanesville.
8. Hugh A. Manchester (D) . . Of Canfield.
9. Philip A. Saylor (D) . . . Of West Alexandria.

COMMITTEE ON PRISONS AND PRISON REFORM.

1. Thomas H. Clark (R) . . . Of Columbus.
2. Thomas W. Roberts (R) . . Of Cleveland.
3. J. L. Haner (R) . . . . Of London.
4. Sumner E. Walters (R) . . Of Glenmore.
5. Charles I. Goard (D) . . . Of Loudonville.
6. Ernst H. Rothe (D) . . . Of Cincinnati.
7. J. D. Garrison (D) . . . . Of Georgetown.

COMMITTEE ON PRIVILEGES.

1. John C. Myers (R) . . . . Of Miamisburg.
2. Graham P. Hunt (R) . . . Of Cincinnati.
3. Harry C. Smith (R) . . . Of Cleveland.
4. Ross E. Holaday (R) . . . Of Wilmington.
5. David Collier (D) . . . . Of Plimpton.
6. N. B. Ross (D) . . . . . Of Gilboa.
7. William E. Partington (D) . . Of Plattsville.

Standing Committees of the Ohio House.

COMMITTEE ON PUBLIC BUILDINGS AND LANDS.

1. Harry M. Hoffheimer (R) . . . Of Cincinnati.
2. Charles P. Griffin (R) . . . . Of Toledo.
3. Francis T. Arthur (R) . . . . Of Marysville.
4. Clarence C. Middleswart (R) . Of Marietta.
5. Galen L. Cline (D) . . . . Of Perintown.
6. David Collier (D) . . . Of Plimpton.
7. Wilson S. Warwick (D) . . . Of Hamilton.

COMMITTEE ON PUBLIC PRINTING.

1. Harry C. Smith (R) . . . Of Cleveland.
2. Sumner E. Walters (R) . . Of Glenmore.
3. George Kreis (I R) . . . . Of Cincinnati.
4. Errett LeFever (R) . . . Of Mountville.
5. Theodore M. Gehrett (D) . . Of Deshler.
6. Henry Hater (D) . . . Of Cincinnati.
7. Charles H. Adkins (D) . . . Of Lima.

COMMITTEE ON PUBLIC WAYS.

1. Ele W. Tuller (R) . . . . Of Dublin.
2. John A. McCurdy (R) . . Of Troy.
3. Jacob B. Snyder (R) . . . Of Canton.
4. Harry A. Tilden (R) . . . Of Cleveland.
5. Ernst H. Rothe (D) . . . Of Cincinnati.
6. Joseph M. Hunter (D) . . . Of Rome.
7. D. O. Castle (D) . . . . Of Galion.

COMMITTEE ON PUBLIC WORKS.

1. A. F. McCormick (R) . . . Of Portsmouth.
2. Frank B. Willis (R) . . . Of Ada.
3. Joseph D. Wilson (R) . . . Of Cynthiana.
4. Nicholas Longworth (R) . . Of Cincinnati.
5. Charles L. Allen (R) . . . Of Fayette.
6. William Bell, Jr. (D) . . . Of Newark.
7. William E. Finck, Jr. (D) . . Of Somerset.

O. Castle (D) . . . . Of Galion.

P. Clyburn (D) . . . . Of Greenfield.

Standing Committees of the Ohio House.

COMMITTEE ON RAILROADS AND TELEGRAPHS.

1. I. F. Chapman (R) . . . . Of Gallipolis.
2. Thomas R. Smith (R) . . . Of Delaware.
3. Charles Merion, Jr. (R) . . . Of Columbus.
4. Dayton W. Glenn (R) . . . Of Cleveland.
5. Stacy B. Rankin (R) . . . Of South Charleston.
6. Bert S. Bartlow (D) . . . Of Hamilton.
7. Joseph E. Schmieder (D) . . Of Minster.
8. Chris. McKee (D) . . . Of Belle Valley.
9. J. C. Adams (D) . . . . Of Coshocton.

COMMITTEE ON REVISION.

1. William H. Crafts (R) . . . Of Mantua.
2. Lot Davies (R) . . . . Of Jackson.
3. Graham P. Hunt (I R) . . . Of Cincinnati.
4. Joseph D. Wilson (R) . . . Of Cynthiana.
5. W. H. Booth (D) . . . . Of Graysville.
6. Robert Silvey (D) . . . Of Zanesville.
7. William M. Denman (D) . . Of West Unity.

COMMITTEE ON RULES.

1. A. G. Reynolds (R) . . . Of Painesville.
2. Jacob B. Snyder (R) . . . Of Canton.
3. Charles P. Griffin (R) . . . Of Toledo.
4. Charles L. Swain (D) . . . Of Cincinnati.
5. William E. Finck, Jr. (D) . . Of Somerset.

COMMITTEE ON SOLDIERS' AND SAILORS' HOME.

1. Joseph H. Breck (R) . . . Of Newburgh.
2. Charles S. Rannells (R) . . Of Zaleski.
3. Aaron E. Price (R) . . . Of Athens.
4. William G. Phare (R). . . Of Cleveland.
5. Ernst H. Rothe (D) . . . Of Cincinnati.
6. Chris McKee (D) . . . Of Belle Valley.
7. J. C. Adams (D) . . . . Of Coshocton.

COMMITTEE ON SOLDIERS' AND SAILOR'S ORPHANS' HOME.

1. Wliliam T. Whitacre (R) . . Of Morrow.
2. Dayton W. Glenn (R) . . . Of Cleveland.
3. Nicholas Longworth (R) . . . Of Cincinnati.
4. Thomas H. Clark (R) . . . Of Columbus.
5. Joseph E. Schmieder (D) . . Of Minster.
6. Charles R. Atherton (D) . . Of Dayton.
7. Barzillai Adkins (D) . . . Of Deer Creek.

COMMITTEE ON TAXATION.

1. Stacy B. Rankin (R) . . . Of South Charleston.
2. Peter A. Mackenzie (R) . . Of Cleveland.
3. Joseph H. Breck (R) . . . Of Newburgh.
4. Nicholas Longworth (R) . . Of Cincinnati.
5. Frank B. Willis (R) . . . Of Ada.
6. William E. Finck, Jr. (D) . . Of Somerset.
7. N. B. Ross (D) . . . . Of Gilboa.
8. William Bell, Jr. (D) . . . Of Newark.
9. J. D. Garrison (D) . . . . Of Georgetown.

COMMITTEE ON TEMPERANCE.

1. John T. Duff (R) . . . . Of Newcomerstown.
2. Daniel B. Mauck (R) . . . Of Proctorville.
3. John C. Myers (R) . . . . Of Miamisburg.
4. R. A. Pollock (R) . . . Of North Lawrence.
5. William Saffin Jr. (D) . . . Of Cincinnati.
6. Robert L. Irvin (D) . . . Of Frankfort.
7. William L. Raub (D) . . . Of LaRue.

COMMITTEE ON TURNPIKES.

1. Francis T. Arthur (R) . . . Of Marysville.
2. William T. Whitacre (R) . . Of Morrow.
3. Lot Davies (R) . . . . Of Jackson.
4. Dayton W. Glenn (R) . . . Of Cleveland.
5. Patrick A. Berry (D) . . . Of Howard.
6. John H. Magee (D) . . . Of Elmore.

   Joseph M. Hunter (D) . . . Of Rome.

COMMITTEE ON UNIVERSITIES AND COLLEGES.

1. George T. Thomas (R) . . . Of Norwalk.
2. John T. Duff (R) . . . Of Newcomerstown.
3. Sumner E. Walters (R) . . . Of Glenmore.
4. Ferd H. Heywood (R) . . . Of Columbus.
5. J. D. Garrison (D) . . . . Of Georgetown.
6. Charles L. Swain (D) . . . Of Cincinnati.
7. William E. Finck, Jr. (D) . . Of Somerset.

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BIOGRAPHICAL SKETCHES
OF
MEMBERS OF THE HOUSE

ARLINGTON G. REYNOLDS.

Speaker of the House of Representatives.

Arlington G. Reynolds was born in Mentor, Ohio, November 24th, 1849; educated at Willoughby and Oberlin, Ohio; worked on a farm summers and taught school winters, for a number of years. He entered the law office of Tuttle & Tuttle, Painesville, Ohio, in 1880 and was admitted to the bar in 1882. He clerked in a store in Des Moines, Iowa, one year; commenced practice of law in Painesville, Ohio, in 1884 and formed partnership with

Hon. Perry Bosworth in 1890. He was elected probate judge Lake county in 1891 and re-elected in 1893. Elected mayor of Painesville, Ohio, in 1896; re-elected in 1898; elected to Legislature in 1897, re-elected in 1899, and elected Speaker of the House of the 74th General Assembly. To each office to which he was chosen, either in caucus or convention, he was nominated by acclamation. Was married in 1882 to Helen E. Whitney of Mentor, Ohio; has one child, Luella V. In religion a Methodist; a member of the Society of the Sons of the American Revolution; in politics always a Republican.

J. B. SNYDER.

Speaker pro tem. of the House of Representatives.

J. B. Snyder, one of the Representatives from Stark county, was born near Osnaburg in the county he represents, on the 2nd day of July, 1866, educated himself by his own untiring efforts.

Graduated from Cincinnati Law School, and was admitted to the Bar in 1892, and is one of the leading lawyers of the Stark County Bar; served as Postmaster and Mayor of his native town and was elected to the Seventy-third General Assembly as a Republican and re-elected to the Seventy-fourth. Was a formidable candidate for the Speaker of the House, withdrawing at the last moment and was chosen speaker pro tem., and was one of the leaders on the Republican side of the House. He was married to Miss Alice Steinmetz in 1894 and they have two children, Bernice and Huber.

He is a member of the Masonic, Odd Fellows and Elks Fraternities.

BURGESS L. McELROY.

Chief Clerk of the House of Representatives.

Was born August 25, 1858, on a farm in Knox county, Ohio.
Attended the country schools until about 14 years of age.
Prepared for college at Milnor Hall, Gambier, Ohio.
Entered class of '82 Kenyon College.
Graduated from Butler University class same year.
Is an alumnus of Kenyon College and Butler University.
Was a member of Delta Tau Delta Fraternity.

Taught school through the winter sessions to pay college expenses.

Studied law but like a great many others by necessity was compelled to drift into other business that would produce a more immediate livelihood.

Was the State Treasurer of the Ohio Republican League for three terms, was also Secretary for one term.

Was the State Oil Inspector under President McKinley during his term as governor of Ohio, the most lucrative and one of the most potential positions in the gift of the Chief Executive of the State of Ohio.

Was at the head of an important bureau at Chicago with the Republican National Committee in 1896.

Was Secretary of the Republican State Executive Committee during the campaign of 1898.

Was elected on January 1, 1900, on the first ballot Chief Clerk of the House of Representatives which position he ably filled and continues to hold until 1902.

Is a member of Clinton Commandery No. 5 Mt. Vernon, O. Knights Templar and a Shriner, being a Sir Noble Aladdin Temple Columbus, Ohio.

He has frequently been a delegate to congressional and State Conventions and is now a delegate to the Republican National Convention from the 14th Congressional District.

ANDREW JACKSON, OF CEDARVILLE.

Sergeant-at-Arms.

Andrew Jackson, Sergeant-at-Arms of the House of Representatives, was born near Cedarville, Greene county, Ohio, December 25, 1845. Received a common school education at Xenia, Ohio; enlisted in the 94th O. V. I., August, 1892; served three years; was elected as Representative of Greene county to the 68th General Assembly and re-elected to the 69th General Assembly. Was elected sergeant-at-arms of the 70th and 71st and 74th General Assemblies. He is a farmer and breeder of fine horses.

Biographical Sketch of Third Assistant Sergeant-at-Arms.

FREDERICK BLANKNER, OF COLUMBUS.

Third Assistant Sergeant-at-Arms.

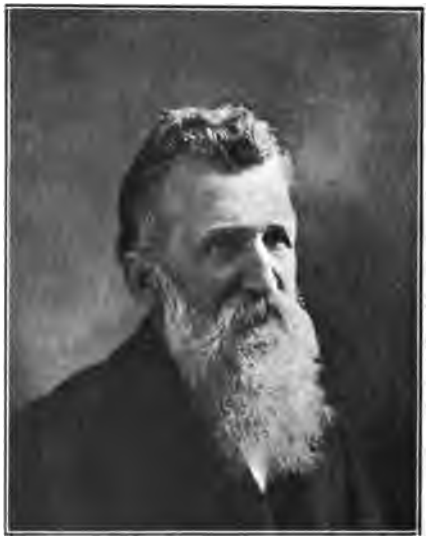
Frederick Blankner, Third Assistant Sergeant-at-Arms, was born in Germany, July 28, 1836. One year later his parents moved to America and settled in Columbus, Ohio, where he has since resided. For two years he served in Co. A, 5th Battalion, O. V. I. In 1856 he was appointed porter in the House of Representatives and twice was re-appointed to that position, after which he was elected Third Assistant Sergeant-at-Arms, which office he has held continuously to the present time, his valuable services being recognized by both political parties.

JOHN C. ADAMS.

John C. Adams, Representative from Coshocton county Ohio, was born in that county in 1866. He was raised on a farm; graduated from the law department of the National Normal University at Lebanon, Ohio, and was admitted to practice in 1893; located in Coshocton where he is engaged in his profession. Was elected as a Democrat to the 73rd General Assembly and re-elected to the 74th General Assembly.

CHARLES H. ADKINS.

Charles H. Adkins, Representative from Allen county, was born in Pickaway county, Ohio, July 29, 1867. He was educated at the Ohio Normal University at Ada, Ohio, read law and was admitted to the bar in 1892, since which time he has practiced his profession in Lima, Ohio. He was elected to the 73rd and 74th General Assemblies as a Democrat.



BARZILLAI ADKINS.

Barzillai Adkins, Representative from Pickaway county, was born in Ross county, September 3, 1831, his parents having moved there from Maryland. About a year later the family moved to Pickaway county, where Mr. Adkins has since resided. His early education was obtained in the common schools of the county, although he attended a select school and had private tutors. Studied medicine two years and attended one course of lectures. Served as assessor of his township seven years, and for twenty-five years has been a member of the Board of Education. He is a farmer by occupation. Was elected to the 74th General Assembly as a Democrat.

JOHN M. AINSWORTH.

John M. Ainsworth, Representative from Defiance county, was born at West Jefferson, Madison county, Ohio, September 10th, 1835. In 1848, his parents removed to Van Wert county, where they settled on a farm. In 1853, he went to Fort Wayne, Indiana, and worked in a store until 1857, when his employers sent him in charge of a stock of merchandise to Hicksville, Ohio, his present home.

In 1859, he formed a partnership with the late Hon. Alfred P. Edgerton, and two years after he purchased the interest of his partner and continued the business alone until 1872. In 1859 Mr. Ainsworth married Sarah, daughter of Allen Parker and Esther Osborn, who were the first persons married in Hicksville Township in 1839. He was elected to the 74th General Assembly as a Democrat.

CHARLES L. ALLEN.

Charles L. Allen, Representative from Fulton county, was born in Clarkson, Monroe county, New York, November 16, 1838. His father, Isaac Allen, (who was a soldier of 1812) at the age of twenty-one years, soon after the declaration of peace with England in 1815, left his Connecticut home and settled in Clarkson, New York. He raised a family of ten children, six sons and four daughters. The six sons still living and two of the daughters, Charles L. is the next youngest of the family.

Mr. Allen came to Ohio in 1859, taught school one term, clerked in country store until August, 1861, then enlisted in 38th O. V. I., served as Lieutenant Q. M. and Adjutant of his regiment until January 1864, when he was discharged for disability.

He has from that date lived in Fayette, Fulton county, Ohio. He was Justice of the Peace nine years, school examiner nine years, member of the 64th and 65th General Assemblies and was re-elected to the 74th General Assembly as a Republican.

ELIHU B. ARMSTRONG.

Elihu B. Armstrong, Representative from Belmont county, was reared on a farm; attended the common schools and later entered the Ohio Wesleyan University at Delaware, Ohio, graduating with the class of 1878 with the degree of B. S. Upon completing the college course he returned to the farm and has since been engaged in farming and stock raising. Appreciating the utility of some acquaintance with the principles of the laws of the land he supplemented his college course by a careful reading of the law and has thus to some extent familiarized himself with complexity of legal detail growing out of human relations, and his investigation of the most important principles relating to conveyances, estates, wills and contracts, has been constantly utilized in meeting a demand for services in matters growing out of such relations in his community. He was elected to the 73rd General Assembly as a Republican, and re-elected to the 74th General Assembly.

HORACE ANKENEY.

Horace Ankeney, Representative from Greene county, was born on a farm near Alpha, Ohio, in 1850. Preparing for college in a graded school near by he entered Miami University in 1867 and graduated therefrom with honor in 1872. Although returning to the farm as a profession, by choice, he has always given considerable thought and energy to other matters. For two winters he served as principal of the Beaver Creek graded school near his home, and for the past seventeen years he has served as a member and president of the Beaver Creek township Board of Education, which position he still holds. Always interested in educational matters, he has held several positions of influence and honor in connection therewith, having been a trustee of Miami University since 1887; of Heidelberg University since 1885; and a trustee and treasurer of Heidelberg Theological Seminary since 1887. He served as Infirmary Director of his county from 1883 to 1889, resigning near the close of his second term to give special attention

to raising the endowment of one of the institutions of his church. While Infirmary Director he was the instigator and author of the first pamphlet of Collated and Annotated Poor Laws in the State, a similar collation of the laws having since been authorized by special act and published by the State Board of Charities.

Mr. Ankeney was active in bringing about township supervision of the fourteen country schools in his township, and in the establishing of a Central Township High School. From this successful beginning, township supervision and township high schools have been steadily growing throughout our State, and he can well take some satisfaction in the impetus he thus helped to give to the improvement of our country schools. He is a lover of country life and his greatest satisfaction is in being with his family, and in the cultivation of his farm, where the "latch string" of his country home will always be out for any of the members and officers of the 74th General Assembly, to which he was elected as a Republican.

FRANCIS T. ARTHUR.

Francis T. Arthur, Representative from Union ounty, was born on a farm in Delaware county, Ohio, December 26, 1840. He was educated in the common schools and in the Ohio Wesleyan University, but just before his graduation in 1862 he enlisted and became a Lieutenant in the one hundred and twenty-first O. V. I. He was severely wounded at the battle of P rysville, Kentucky, October 8, 1862, and was afterwards discharged on account of disability, but as soon as he regained his health he re-enlisted in the one hundred and forty-fifth O. V. I. After the war he removed to Union county. He was a farmer and merchant until 1868, when he was elected clerk of the courts of Union county, serving two terms. In this office he studied law and was admitted to the bar in 1873 by the Supreme Court of Ohio.

He is a man of literary taste and study, a prominent member of the M. E. Church. He is a comrade in good standing in Ransom Reed Post N 113, Marysville, Ohio. After his successful

contest for the Republican nomination for Representative from Union county he took an active part in the campaign that ended in the triumphant election of Governor Nash, for whom Mr. Arthur entertains the highest regard. As a Representative he is known as a careful, conscientious and industrious member, always in his place and never shirking any responsibility.

He is chairman of the committee on Turnpikes and member of the following important committees: Public Buildings and Lands, Deaf and Dumb Asylum and Municipal Affairs.

CHARLES ROBERT ATHERTON.

Charles Robert Atherton, of Montgomery county, was born in Watertown, New York, August 4, 1871, where he attended the common schools. After leaving school he learned the trade of Metal Polisher, which business he has followed ever since. He came to Ohio in 1889 and located in Dayton, Ohio, where he still resides.

He has always been an active worker in labor circles and joined the Knights of Labor when 16 years of age, and withdrew from that order four years later and joined the Metal Polishers' Union, which is affiliated with the American Federation of Labor. He has held every office in his local union, and in 1898 was elected a member of the national executive board, which position he filled with credit, both to his union and himself.

At the International Convention, held in Newark, N. J., in 1899, he was elected treasurer for the United States and Canada, which position he resigned when he was elected to the 74th General Assembly.

Mr. Atherton married Miss Susie McCandless on November 29, 1899.

Mr. Atherton is a member of the "Elks" and I. O. O. F.

He is a Democrat and comes from a county which is nominally 2,200 Republican, and he is the first Democratic Representative elected in 10 years from that county.

BERT S. BARTLOW.

Bert S. Bartlow, one of two Representatives elected to the 74th General Assembly from Butler county, is a native "Hoosier," and was born near Mt. Carmel, Franklin county, Indiana, July 10, 1869. His ancestors on both sides were of Revolutionary stock. His great-great grandfather, Cornelius Bartlow, was a Revolutionary soldier from New Jersey, and on the maternal side Representative Bartlow is fifth in line of descent from Gen. John Stark, the hero of the battle of Bennington.

In 1875 young Bartlow removed with his parents to Butler county, Ohio. His early education was received in the public schools, and in 1888 he entered Miami University at Oxford. Here he devoted himself quite particularly to the study of economic and collateral questions, and in his senior year received honors in the department of political science, in the subject of "Taxation." He graduated in June 1893, and soon afterward entered politics as a Democrat, and he has since actively participated in the cam-

paigns, making numerous addresses, and promoting the interests of his party in various ways. From 1894 to 1898 he was clerk of the Board of Deputy State Supervisors of Elections of Butler county. In 1897, after a spirited campaign, in which there were nine (9) competitors he was nominated for Representative by a plurality of 634, and was subsequently elected by over 3,000 majority. His faithful service as a legislator in the 73rd General Assembly easily secured for him the endorsement of his constituency for another term. As a member of the 74th General Assembly his work has been characterized by energy and effectiveness, and he was honored by being placed upon the important committees of Railroads and Telegraphs, Fees and Salaries, and Elections.

He resides at Hamilton, and is a member of the Delta Kappa Epsilon Fraternity, The I. O. O. F., The K. O. T. M. and The Fraternal Enser.

WILLIAM BELL, JR.

William Bell, Jr., Representative from Licking county, Ohio, was born in Utica, Licking county, Ohio, August 23, 1828, educated in the common schools of that day and at Martinsburg Academy. A farmer's boy, he was elected sheriff of Licking county in 1852, serving two years. Appointed Postmaster at Newark by Franklin Pearce July 1855, re-appointed by Buchanan, 1856. Elected sheriff in 1858, serving four years; elected audjtor in 1863, served seven years; elected to the Legislature in 1870 and re-elected in 1872; elected Secretary of State 1874, served two years; appointed Commissioner of Railroads and Telegraphs in 1878 and served two years; elected to the Legislature from Franklin county, served two years, returned to Newark and was elected Mayor of Newark in 1892, served two years; elected Auditor of Licking county in 1894, served six years; elected to the 74th General Assembly. A Campbellite in religion and a Democrat in politics; and if I fail in my religion I expect to fall back on my Democracy.

PATRICK A. BERRY.

Patrick A. Berry, Representative from Knox county, was born on a farm in Howard township of the above named county, December 23, 1869. He was educated in the common schools of his native county, the Danville Normal Academy, Bethany College, West Virginia, and the University of Michigan, graduating from the latter institution in June of 1892 with the degree of LLB. Immediately after his graduation he took up the practice of law in Atlanta, Georgia, but at the end of five years was, on account of the climate, compelled to abandon it. Returning to his old home, Mr. Berry located in Mount Vernon where he is again actively engaged in the practice of his profession.

Although one of the youngest members of the House, he was appointed a member of the Judiciary Committee; he is also a member of the Committees on Fees and Salaries, and Turnpikes.

Mr. Berry was married to Miss Elizabeth Kirk Cameron of Millersburg, Ohio, in August, 1899. He is a member of Danville Lodge No. 546 F. and A. M., and the Beta Theta Pi and Phi Delta Phi college fraternities.

Mr. Berry was elected to the Seventy-fourth General Assembly as a Democrat.

WILLIAM H. BOOTH.

William H. Booth, Representative from Monroe county, Ohio, was born December 22, 1844, in Belmont county, Ohio, moved with his parents in 1851 to Perry township, Monroe county, where they have since resided. Mr. Booth was elected to the 73rd General Assembly in 1897 over J. W. Hawkins by a plurality of 2,024. He was re-elected over R. A. Furguson, a Republican, by a plurality of 2,126.

Mr. Booth was brought up on a farm, taught several successful terms of school. Engaged in the mercantile business in 1869 in Graysville, was married to Mary H., eldest daughter of Hon. James Watson, April 22, 1874. He is a member of the Masonic Lodge and has been Master of Graysville and Monroe Lodges. Served as Postmaster from 1884 to 1888; has held the commission as Notary Public for over twenty years. He was a member of the Committees on Federal Relations and Revision.

Mr. Booth is one of those Democrats who believe that the government has a right to coin money and regulate the value thereof, believes in the referendum, believes that the people of this country are competent to make laws and regulate finance without the assistance or consent of any other country.

JOSEPH HUNT BRECK.

Joseph Hunt Breck, Representative from Cuyahoga county, was born in Brecksville, Ohio. His father, a Presbyterian minister, moved to Cleveland while his son was quite young, but later retired and moved to Newburgh on the farm where Joseph still lives. He was educated in the Cleveland public schools and Shaw Academy, at Collamer, Ohio. In 1893 he was elected as a Republican to the 71st General Assembly, and re-elected to the 72nd and 73rd. He was chairman of the Committee on Asylums for the Insane, and was a member of the Committees on County Affairs and Elections. Re-elected to the 74th General Assembly, and served as Chairman of the Committee on Soldiers' and Sailors' Home.

SAMUEL V. BROWN.

Samuel V. Brown, Representative from Mercer county, was born near Shelby, Crawford county, Ohio. At the age of three years, moved with his parents to Wyandotte county, Ohio, where he lived on a farm, doing farm work and attending the district school in the winter. He entered the Coldwater Academy on January 1st, 1885, and the following winter taught a district school in said township. The following summer he entered the Ada Normal University and afterward attended the Portland Indiana Normal School and Business College, where he remained during the summer, returning to Mercer county in the fall to teach. In the spring of 1886 he entered the Coldwater Academy as a student of book-keeping and teacher of the German language. The next winter he again taught a district school, and has followed the same vocation for the last sixteen years, teaching village and country schools. Was elected Mayor of Coldwater in 1891 and re-elected in 1893. Served as Executive Committeeman of the Democratic party of his county at different times. He was elected to the 74th

General Assembly as a Democrat over J. C. Brookhard and Silas Beam by a majority of 2320 votes. He is a hard worker and a fearless advocate of people's rights. While of late years his time has been constantly devoted to his professional duties, he has given some attention to other matters. Mr. Brown has always been an active Democrat, since he has been a voter and has shown his loyalty to the party by his active and effective work in the campaigns.

JOHN D. BROWN.

John D. Brown, Representative from Paulding county, was born near Jackson, Ohio, in 1840 and moved upon a farm. At the age of eighteen he began his career as a school teacher, teaching and attending school alternately until the breaking out of the Rebellion. He enlisted in the army and served three years. At the close of the war he returned to his studies and by hard work and close application worked his way up through the higher branches and fitted himself to occupy a position as one of the leading educators of his section of the state. In 1874 he was elected to the office of surveyor of Jackson county and was re-elected in 1877. In 1878 he moved to Vinton county to accept the position of superintendent of the Union Schools of Zaleski, which position he held for six years. He served as school examiner in both Jackson and Vinton counties and in 1884-5 he was superintendent of the public schools at Cedarville, Greene county. In 1885 he moved to Paulding county and successfully conducted the public schools at Payne

for four or five years, giving his attention between terms to farming.

Prof. Brown has always been a Republican, casting his first vote for that stalwart patriot, John Brough, in 1863, while on the field of battle, and as such he was elected to the 74th General Assembly.

CLEMENT L. BRUMBAUGH.

Clement L. Brumbaugh, Representative from Darke county, was born and reared on a farm in Darke county, Ohio. His father dying when he was young, his life until sixteen years of age was spent as a hired hand working by the day or by the month in summer, and attending the district school in winter. Began teaching at the age of sixteen, and taught in the district school in winter and worked as a farm hand in summer until of age. Although dependent upon his own efforts without income or financial help of any kind, he early determined to secure the best education possible. Graduated from the National Normal University, Lebanon, Ohio, 1887. Founded, and conducted the Van Buren Academy and Teachers Normal from 1887 to 1891. Attended Ohio Wesleyan University, from 1891 to 1893. Entered the Senior class at Harvard University, Cambridge, Mass., fall 1893. Graduated from Harvard June 1894 with A. B. degree, classical course, having received honor grades in four out of five courses. Professor

of history and literature in Howard University, Washington, D. C., from 1894 to 1895; Superintendent of city schools of his native city, Greenville, Ohio, 1895 to 1899, resigning the superintendency at the close of the school year, June 1899, to enter the practice of law. While superintendent of city schools elected to the Ohio Legislature as a member of the 74th General Assembly, and served as a member of the Judiciary and Common School Committees. In Politics a Democrat. Member of K. P. and American Federation of Labor. Elected by a majority of 1312.

SAMUEL BUELL.

Samuel Buell, Republican Representative from Columbiana county, was born January 19, 1845, in Salem, Ohio. His early educational opportunities were limited to the Salem School. At the age of seventeen he enlisted in Company H, 115 O. V. I. and served three years. At the close of the war Mr. Buell returned home and learned the trade of brick laying, since which time he has been a contractor. He was elected as a member of the 74th General Assembly over Thomas Arnold, Democrat, by a majority of 3,500.

D. O. CASTLE.

D. O. Castle, Representative from Crawford county, was born January 13, 1845, on a farm near Leesville, in Crawford county, Ohio, and when one year old his parents moved to the town of Leesville, where in the common schools he received his early education. At the age of seventeen he enlisted in Company E, 101 regiment O. V. I. He served through the campaigns and battles of that regiment until the Battle of Chickamauga, on September 19, 1863, when he was wounded and in December 1863, was granted a furlough, and at its expiration reported at the hospital at Nashville, Tennessee. In February 1864 he was transferred to the veteran reserve corps, and served in Company I, 11th V. R. C., until the close of the war, and was mustered out of service July 20, 1865, at Plattsburg, New York.

Mr. Castle has been a life-long Democrat, believing firmly in the principles of that party, and has held several offices of trust in his native county of Crawford. The Senate of the 73rd General

Assembly elected him its Chief Clerk, the position coming to him wholly unsolicited. He was elected to the 74th General Assembly by a plurality of 2,485. Mr. Castle is a married man; and is a charter member of Encampment No. 143, Union Veteran Legion, of Galion, and is also a member in good standing of the Independent Order of Odd Fellows.

ISAAC F. CHAPMAN.

Isaac F. Chapman was born in Mason township, Lawrence county, Ohio, in 1847. At the age of a few months his parents removed to Guyan township, Gallia county, Ohio, in which county he has resided until the present time, and received his education. In August, 1864, at the age of seventeen he enlisted in Company B of the 173 O. V. I. and served as a private until the close of the war, a period of eleven months.

Returning home he followed the profession of teaching, and farming until 1881, when he was elected as a Republican to the office of County Recorder; was re-elected to that office in 1884, serving two terms, or six years. At the close of his second term as County Recorder, he was elected County Treasurer, in which office he served two terms, retiring in 1892. He then became connected with the Gallipolis Journal, the leading Republican newspaper of the county, as business manager and editor. He was elected a member of the 73rd General Assembly as a Republican

over J. M. Kerr, Democrat, by a plurality of 1437. Mr. Chapman served during this session as chairman of the Committee on Universities and Colleges and as a member of the Committees on Revision and The Soldiers' and Sailors' Orphans' Home. He was returned to the 74th General Assembly as a member of the lower house, and served as Chairman of the Committee on Railroads and Telegraphs and a member of the Committees on Labor and Hospital for Epileptics at Gallipolis.

THOMAS H. CLARK.

Thomas H. Clark, Representative from Franklin county, was born in Washington, Rappahannock county, Virginia, July 14, 1869. When a boy he moved with his family to West Virginia. At an early age he became a member of the West Virginia Conference of the Methodist Episcopal Church, preached and attended school for three years in that state, and then moved to Ohio. He held pastorates at Albany, Ohio, Waverly, Ohio, and Columbus. The last two years of his work in the Methodist ministry were spent as the Superintendent of the Protestant Hospital of Columbus, Ohio. In the midst of other work he had for several years, read law under the tuition of Col. J. T. Holmes, of Columbus. Was admitted to the bar in October 1899, and elected to the 74th General Assembly of Ohio in November 1899, as a Republican.

EDWIN A. CLEMENT.

Edwin A. Clement, Representative from Medina county, to the 74th General Assembly, was born in Strongsville, Cuyahoga county, July 13, 1848. He was reared on a farm, receiving his early education at the district and high schools, but later attended Oberlin College. Commenced teaching in 1868, which profession he followed either as teacher or superintendent until 1895, when failing health obliged him to retire. In September 1895, he was appointed one of the Board of County Examiners, re-appointed in 1898, which position he resigned to accept that of Representative. He has always been a strong Republican and while doing all in his power for the party, his consideration for the opinions of others has gained him the respect and confidence of those outside his own party, as was plainly shown in the vote which elected him. He is also an active member in the M. E. Church.

Died April 9, 1900.

GALEN L. CLINE.

Galen L. Cline, M. D., Representative from Clermont county, was born in 1858, in Perintown, where he now resides, and where he is engaged in the active practice of his profession. He was educated at Hanover College and at the Medical College of Ohio, taking the degree of A. M. from the former and M. D. from the latter. He served in the U. S. Army continuously as acting assistant surgeon from 1882 until 1890. His connection with the army was severed at his own request, that he might enter the practice of medicine with his father at his old home. He never sought office until elected to the 73rd General Assembly. He defeated his Republican opponent, member of the 72nd General Assembly by 646. He was re-elected to the 74th General Assembly.

NATHAN P. CLYBURN.

Nathan P. Clyburn, Representative from Highland county, is a native of the county he represents. He was born August 30th, 1870, on a farm. Received a common school education; studied law at Lebanon, Ohio, and took a post-graduate course at Valparaiso, Ind. Then read law one year in the law office of Capt. E. M. DeBrum in Hillsboro, Ohio, also one year with Albert Anderson of Lebanon, Ohio, under whose direction he was admitted to practice at Columbus, Ohio, March 3rd, 1892, and soon after formed a law partnership with Hon. Ulric Sloane in Winchester, Ohio, under the firm name of Sloane & Clyburn, and practiced in Highland, Adams and Brown counties. The firm afterwards opening a branch office in Greenfield, Ohio, which is conducted by Mr. Clyburn, and practicing in Highland, Ross and Fayette counties, who by "paddling his own canoe" has built up an extensive and lucrative practice. On Thanksgiving day 1896, he married a Highland county lady—Miss Birdie McMullen—youngest

daughter of Robert B. McMullen, Esq. Mr. Clyburn was nominated and elected by the Democrats, a member of the 74th General Assembly by over 600 majority and that too in a Republican county, and he has the honor of being the first Democrat elected to that office in old Highland for 26 years. Young Clyburn is a selfmade man, having made the most of his limited opportunities. His personal habits, genial disposition and laudable ambition to become a useful and honored citizen draws around him a host of friends. He is a member of the Masonic Fraternity, Garfield Commandery K. T. No. 28, and other benevolent societies.

RALPH D. COLE.

Ralph D. Cole was born November 30, 1873, in the eastern part of Hancock county, on a farm where he spent the early part of his life. In the winters he attended the district school and during the summers assisted his father at general farm work until he entered Findlay College, at Findlay, Ohio. He was graduated from that institution with the degree of B. Ph. in 1896, at the age of 22. In the middle of his college course he taught a country school, meanwhile keeping up his work and graduating regularly with his class. After leaving college he taught a year and also studied law. Mr. Cole entered the law department of the Ohio Normal University, Ada, Ohio, and remained there until the fall of 1897, when he was appointed deputy clerk of Hancock county. This position he held until July 1899, when he was nominated by the Republican party, and elected to the 74th General Assembly from Hancock county.

DAVID COLLIER.

David Collier, Representative from Holmes county, was born in Ripley township, Holmes county, Ohio, March 28, 1849. He worked on the farm until 18 years of age, attending the common schools in the meantime, with the exception of one term at Vermillion Institute, at Hayesville, Ashland county, Ohio. Went into business at Lakeville, Washington township, Holmes county, Ohio, in 1868, handling grain, wool and seeds, which line of work he followed until July 1898, when he retired from active business; since which time he has been devoting his attention to farming.

He was clerk of his township six years, and treasurer for twelve years, a considerable part of which time he was also member of board of education. He is a member of Master Commandery No. 48, Wooster, Ohio, also a member of Royal Arcanum. Was elected to the 74th General Assembly as a Democrat, without opposition.

ANDREW G. COMINGS.

Andrew G. Comings, Representative from Lorain county, was born at East Berkshire, Franklin county, Vermont, September 26, 1856. The first nine years of his life were spent on the farm on which he was born.

In 1865 Mr. Comings' parents removed to Oberlin, Lorain county, Ohio, where, with the exception of about ten years, spent teaching school, Mr. Comings has since resided. His education was secured in the common schools at Oberlin and at Oberlin College, from the literary department of which he graduated in 1877. One year later he was married. Two children have been born to the union, a boy and a girl. The boy is now a soldier in the United States Army, serving in the Philippines.

In 1879 Mr. Comings took up the profession of teaching, to which he devoted ten years. During that time he served as Superintendent of Schools at Vermillion, Erie county, at Conneaut and Brooklyn Village and as principal of a ward school in Youngstown. In 1890 Mr. Comings gave up the profession of teaching

and, moving back to Oberlin, embarked in business as the proprietor of an extensive book and stationery store, in which business he is at present engaged.

Mr. Comings' first political venture was in 1890 when he was elected a councilman in Oberlin. In 1892 he was elected mayor, and in 1894 he was re-elected to the same office. In 1897 he was appointed a member of the board of trustees of the Oberlin Water Works. During the same year he was elected a member of the Oberlin Board of Education. At the time of his election to the General Assembly, Mr. Comings was serving in both of the above mentioned offices, which he retained after his election, and during his term of office.

In 1899 Mr. Comings was elected as a Republican to the 74th General Assembly by a majority of about 4,000, where he was honored with an appointment as a member of one of the most important committees in the House, the Committee on Municipal Affairs. He is also a member of the Committee on Library.

WILLIAM H. CRAFTS.

Hon. William H. Crafts, who represents the people of Portage county in the 74th General Assembly, was born in Auburn, Geauga county, Ohio, December 9, 1849. He has been a resident of Portage county since 1853. His early life was spent on the farm, and his education was acquired in the common schools, followed by a special course of study at Hillsdale, Michigan, and at Hiram College. His natural business capacity has been increased by long experience, and he is known throughout the country as one of the most extensive wool and hide buyers in the state. In 1885 he established the banking house of Crafts, Hine & Co., who stand high in business circles and are recognized as one of the foremost private banks in Ohio.

He was nominated as Republican candidate for the General Assembly on the first ballot and at the election ran 248 votes ahead of his ticket. He is a prominent member of the House, occupies an important position on the Finance Committee, and throughout

the session has given to the state the same able and efficient efforts which have contributed to his own success as a business man. On the floor of the House he is active and can always be depended upon to act at the right time and for the best interests of the people.

In 1869 he was married to Miss Augusta Merriman, of Burton, Ohio. Mr. and Mrs. Crafts have five children, three sons and two daughters, whose appearance and accomplishments show the result of careful home training and refined surroundings.

Mr. Crafts is a prominent and valued member of the Methodist Church at Mantua, where he resides, and his efforts have ever been in the direction of moral and educational advancement. The new and beautiful school building, which is an honor to the people of Mantua, owes its erection largely to his exertions. He is an active worker in the Sunday School and Church, and contributes liberally to their maintenance.

Of pleasing address and possessed of more than usual tact and judgment, Mr. Crafts has gained many friends in both bodies of the Legislature, and his influence has more than once prevailed on the right side of important measures before the House.

LOT DAVIES.

Lot Davies, Representative from Jackson county, was born in Wales, March 15, 1830. His early life was spent in that country, but at the age of eleven he removed to America, and settled in Gallia county, Ohio. His education was received in the common schools of that county. Mr. Davies followed the ordinary life of a laboring man from the age of sixteen to twenty-five, and then became founder successively in the Gallia, Cambria and Jefferson furnaces, rising to the position of superintendent and manager of the Jefferson Furnace Company. At the outbreak of the Civil War Mr. Davies offered his services to his adopted country. He enlisted as a private in Company H, 117 O. V. I., September 29, 1862, and was made first sergeant of the Company August 12, 1863; he was commissioned second lieutenant of Company H, 1st O. H. A. and was mustered out of the service July 25, 1865. Mr. Davies was married August 22, 1855, to Laura J. Williams, and has four children living. He belongs to the Congregational Church, and is a Mason and a member of the G. A. R. He speaks his native language as well as any other. As a Republican he was elected to the 73rd and 74th General Assemblies.

EVAN H. DAVIS.

Evan H. Davis, Representative from Cuyahoga county, was born in England of Welsh parents in the year 1843. He attended the national schools of that country for a few years, but went to work at an early age. He came to this country with his parents in 1861, locating first in Pennsylvania, then moved to Cleveland in spring of 1865, of which city he has been a resident, with the exception of a year or two, ever since. For over thirty years he worked at the hardest kind of employment in the rolling mills of this country and of England. He is an ardent supporter and advocate of labor organization, has served in many important offices in the union of his craft, and of which he is still an honorary member, and believes that the improvement of the condition of the working people, social and industrial, wholly depends upon their own efforts in that direction. In politics he is an unfaltering Republican and maintains that whatever legislation in the interests of labor is possible can be obtained through that party. He has been

very successful in that respect himself and is the author of more labor laws of a practical and beneficial character than possibly any other person in the state. He was a member of the 68th, 73rd and is now a member of the 74th General Assembly, elected each time as Representative, and in each body in deference to his wishes and because of his suitability for the position, has been placed at the head of the Committee on Labor. He was appointed in 1889 by Governor Foraker as Assistant Inspector of Workshops and Factories, and served the state in that capacity until May 1896, and is credited generally with having been an efficient and diligent official. Mr. Davis is married and has living a family of two grown sons, and a daughter.

GEORGE E. DEMUTH.

George E. Demuth was born Nov. 13, 1866. He is a son of Ray and Lydia A. Demuth and was educated at Whitehouse High School and N. O. N. U., Ada, Ohio., and is a teacher by profession. He was elected Superintendent of Schools, Whitehouse, Ohio, at the age of twenty, and Superintendent of Monclovia High School two years; and Township Superintendent for the townships of Waterville and Providence for two years. In politics he has always been a Republican in principle. Was appointed Postmaster of Whitehouse, which position he resigned, having been elected a member of the 74th General Assembly.

WILLIAM M. DENMAN.

William M. Denman, Representative in the 74th General Assembly, from Williams county, was educated as physician, and has pursued his profession, vigorously for more than twenty years, but is now in connection with his profession, connected in various other business enterprises, such as merchandising, having at one time, owned and operated four different stores, in different parts of his county at the same time. He is extensively interested in farming, and is owner of a brick and tile manufacturing plant. President of the West Union Banking Company; and President of the Brady Fire Insurance Company. He is a Knight Templar, and Scottish Rite Mason, and member of the Mystic Shrine. Mr Denman has always been a Democrat, but not an office seeker, and accepted the nomination for Representative on the Democratic ticket only after the earnest solicitations of his friends, and was elected by a plurality of 224, having received 518 more votes than the head of the ticket, he being the first Democratic Representative

from Williams county in many years. He is conservative in his views, always having the interest of the people at heart, and is one of the members who is found at his seat during the session hours of the Assembly.

HAL C. DERAN.

Hal C. DeRan, Representative from Sandusky county, born December 17, 1871, resides in Fremont, and practices law as a member of the firm of Hunt & DeRan. Graduated from the University of Michigan and the Normal University at Lebanon, Ohio.

Was elected a member of the 73rd General Assembly as a Democrat and was re-elected to 74th.

Is a member of B. P. O. E., I. O. O. F. and Woodmen of the World.

JOHN T. DUFF.

John T. Duff was born in Belmont county, Ohio, December 14, 1846, of Scotch-Irish parents. His early educational training was received in the famous Quaker schools of Mt. Pleasant, Ohio. At the age of sixteen years he entered the Union Army, serving with the 1st W. Va. Vet. Infantry until the close of the War. Immediately upon his returning to his home he entered the McNealy Normal School at Hopedale, Ohio, completing the course in two years. He then matriculated in the Ohio University and graduated from that institution in 1870. From 1870 to 1895 he served as the superintendent of the public schools successively at Harmar, Bellaire, Canal Dover and Newcomerstown, Ohio. During the seventeen years of this period he was country and city school examiner in Washington, Belmont and Tuscarawas counties, Ohio. In 1895 he purchased the Newcomerstown Index, since which date he has been the editor of that prosperous journal. On the 7th of November 1899, he was elected to represent Tuscarawas county in the House of Representatives of the 74th General Assembly, as a Republican.

M. N. DUVAL.

M. N. Duval, Representative from Jefferson county, was born in Wellsburg, West Virginia, in March, 1873. Eight years later he moved to Jefferson county, Ohio. He attended the public schools at New Alexandria, the high school at Wellsburg, and spent one year at Mt. Union College. He taught a while and then attended Scio College. He was elected without opposition to the 74th General Assembly as a Republican.

WILLIAM E. FINCK, JR.

William E. Finck, Jr., Representative of Perry county, was born January 8, 1858, at Somerset, Ohio, the home of Phil. Sheridan, and was educated in the common schools and at the St. Louis University, of which he is a graduate. He is a lawyer and has a large practice in the northern part of Perry county. While always active in politics, he never allowed his name to be used until 1896, when he ran for Congress against General Grosvenor. The district is normally about 10,000 Republican but Mr. Finck cut the majority to about 4,000. He was elected to the Senate of the 73rd General Assembly as a Democrat and was made Chairman of the Judiciary Committee, member of the Committee on Revision, Rules and Public Expenditure; and was chosen leader of the Democratic side. In 1899 he was elected to the 74th General Assembly and although in the minority he was honored by the Speaker with appointments on the Judiciary, Public Works, Taxation, Colleges and Universities, Epileptic Asylum, Rules and other

committees. His ability is recognized and merits the high place he holds on the floor and in the councils of his party, of which he is a leader.

He was married May 4, 1891, to Miss Orpha E. Helser, of Somerset, and has one child living, a daughter.

J. D. GARRISON.

J. D. Garrison, Representative from Brown county, was born in Adams county, January 31, 1870. His early education was limited to the common schools, after which he engaged in a variety of enterprises. He early developed a strong desire to enter public life, but hesitated between the ministry and law, his friends advising the former while he preferred the latter. Finally through the earnest solicitation of friends he decided to enter the ministry and in preparation for that profession attended school at Rio Grande, Gallia county, Ohio; Riverside Seminary, Vanceburg, Kentucky; and Kentucky University at Lexington, Kentucky, but at no time taking a full Bible course. Mr. Garrison held pastorates at Ashland, Kentucky, Hartwell, Ohio, Van Wert, Ohio, and Georgetown, Ohio, as a Disciple. He entered the political field in 1896 and supported W. J. Bryan and the Chicago platform. At this time he took up the study of law which he has pursued ever since.

He was a candidate for the Democratic nomination to the State Senate in 1897, and secured the delegation from Brown county over Mr. Tissandier, but was defeated in the district convention by Mr. Nichols, of Clermont county. Mr. Garrison was elected to the 74th General Assembly as a Democrat.

WILLIAM C. GEAR, of Upper Sandusky,

Was born in Logan county, Ohio, December 28, 1846. When about one year old his parents moved to Wyandot county, where he has resided almost continuously ever since. He attended the common school until June 3rd, 1862, when he enlisted in Company G, 87th O. V. I. He was taken prisoner at Harper's Ferry, West Va., September 15th, 1862, and was paroled and sent home. He attended school until December 24, 1863, when he re-enlisted in Co. A, 49th O. V. V. I. He was transferred to the 68th O. V. I. and was in the Strawberry Plains and Knoxville campaign in the winter of 1863 and 1864. He was ordered to his command, the 49th O. V. V. I., while at camp at Cleveland, Tennessee, and was with Sherman to Atlanta and with Thomas in the Nashville campaign. He served throughout the war and was mustered out and discharged November 30th, 1865. He attended Wittenberg College a short time and went to teaching school, and taught in all sixteen years. He was married in 1874. He was admitted to practice law

in 1876 but gave up that profession for his old profession that of civil engineer. He was appointed school examiner of Wyandot county in 1876, and served nine years as such. In 1883 he was elected surveyor of Wyandot county, and in 1886 re-elected; in 1889 he was elected to the lower branch of the General Assembly and was re-nominated by his party in 1891 at the April convention. At the senatorial convention in June of the same year, held at Tiffin, he was nominated for Senator. He accepted the nomination and his successor as Representative was nominated in the person of Hon. J. J. Smith. He served in the Senate in the 70th and 71st General Assemblies and was again elected to the House of the 74th General Assembly. Mr. Gear has always been an unfaltering Democrat. He was elected as one of the alternates at large to the National Convention held at Chicago, 1892.

Biographical Sketches of Members of the House.

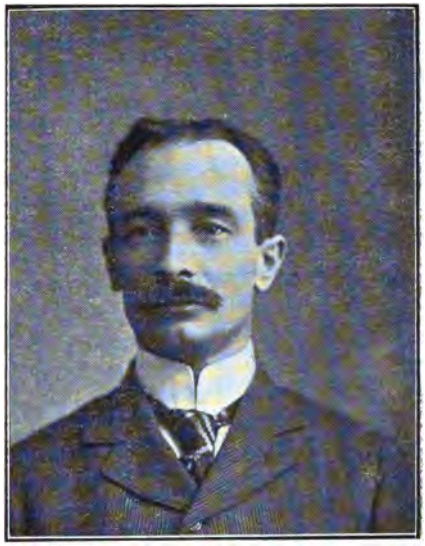
T. M. GEHRETT.

Dr. T. M. Gehrett, Representative from Henry county, was born at Stoutsville, Fairfield county, Ohio, November 27, 1856. In the fall of 1865 his parents moved to Henry county, where he has since resided. His boyhood days were spent upon the farm of his father. He attended district school until the age of sixteen, when he entered Hiram College, taking a four years' course. At the conclusion of his studies at Hiram College, he began the study of medicine in the Medical College of Ohio, at Cincinnati, graduating from that institution in 1879. In the fall of 1880 he located at Deshler, Ohio, for the practice of his profession, where he has since been in the active practice of medicine and surgery.

Politically he has always been a Democrat, taking an active part in the councils of his party. He enjoys the distinction of having held the offices of village and township treasurer for eight successive years and was appointed an United States Pension Examiner in 1888 and served as such until he tendered his resignation

in December 1899, having been elected to the 74th General Assembly.

He was married to Alice Thrapp, daughter of William and Martha Thrapp, of Napoleon, Ohio, March 13, 1879. To this union two girls have been born, Coral and Madge.



DAYTON W. GLENN.

Dayton W. Glenn, Representative from Cuyahoga county, was born in Wooster, Ohio, March 7, 1858, and removed with his parents to Cleveland, Ohio, in the same year and has resided in that city ever since. He received his education in the public schools and was employd by his father as assistant book-keeper in the manufacturing business, and in 1880 was elected enrolling clerk of the Senate, which position he held for two terms. In 1887 he was elected sergeant-at-arms of the Senate and held that office for two terms; during the interim of his acceptancy of these positions he was a Commercial Traveler and continued in that capacity until 1897, when he started in the real estate business in Cleveland and is now in that business. He, with the balance of his colleagues in the election last fall, received a plurality of 10,000 votes. He has been identified in politics as a Republican since 1880 and with these exceptions has attended every state convention of his party since 1880, and in most instances as a delegate.

Mr. Glenn was married in 1890 to Ellen Lee Wheeler, of San Antonio, Texas, and has three children, Dayton W. Glenn, Jr., India and Victoria.

CHARLES I. GOARD.

Charles I. Goard, Representative from Ashland county, was born February 11th, 1862, near Hayesville, Ashland county, Ohio. He lived on the farm for a period of nineteen years, going to district school in the winter and working in the summer. In 1881 he entered Vermillion Institute at Hayesville, as a student, and was there educated for his profession. With strong legal tastes, he, in 1888 entered the Cincinnati Law School, remaining there one year, and on returning finished his legal course under the tutorship of the firm of McCray & Winbigler, attorneys, at Ashland, Ohio, and was admitted to the bar in 1890. After his admission, he began practice at Ashland, when in June, 1895, he removed to Loudonville, where he is now practicing his profession. He was nominated by his party at the Democratic primaries May 30, 1897; was elected a member of the 73rd General Assembly as Democrat, over Ellsworth G. Welch, Republican, by a majority 96. His committee assignments in the 73rd General Assembly

were the Judiciary and Soldiers' and Sailors' Home. He was re-elected to the 74th General Assembly over his Republican competitor, John A. Leyman, by a majority of 805. His committee work was on the Judiciary, Prisons and Prison Reforms, and Girls' Industrial Home. On the organization of the 74th General Assembly he was the caucus nominee of his party for Speaker pro tem. and at the organization of the House the entire vote of his party was cast for him. Mr. Goard was married May 25, 1899, to Addie Belle Bryte of Savannah, Ohio. He is an active and energetic member of the K. of P. On April 2, 1900, he was elected mayor of Loudonville by a large majority.

AMOS N. GRAY.

Amos N. Gray, Representative from Muskingum county, was born in Springfield township, Muskingum county, Ohio, August 14, 1844. He was educated in the common schools of said township. His whole life, with the exception of a few winters in the early seventies, teaching in the common schools of his township, has been spent on the farm where he was born. He had never been elected to fill office other than township offices, until the November election of 1899, when he was elected a Representative in the 74th General Assembly, as a Democrat.

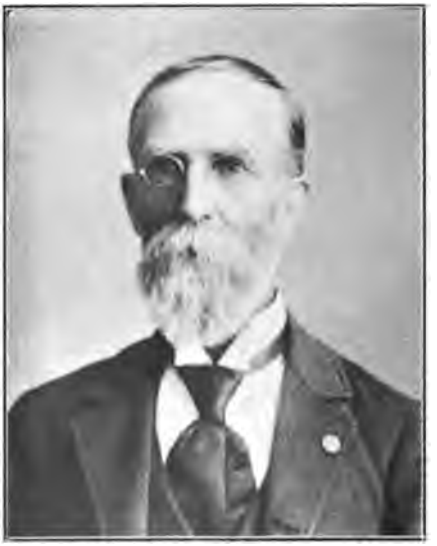
CHARLES P. GRIFFIN.

The Representative from Lucas county, was born September 3, 1842, in Henrietta (near Kipton), Lorain county, Ohio. Brought up on the farm, attended district school winters until fourteen, then at Oberlin. Taught school in Iowa in spring of 1859, and in Missouri from September, 1859, to December, 1860. Became a student at Oberlin in January, 1861; enlisted in Company C, 7th O. V. I., in April, 1861. Failing health prevented long service in the army. Student at Oberlin in 1862–63–64, teaching winters. In 1864 became one of the proprietors of Oberlin Business College; established and took charge of business college at Hillsdale, Mich., in 1866. Removed to Toledo, Ohio, in 1868, and engaged successfully in real estate and insurance business. Trustee of Hillsdale College 1876 to 1886; and when college buildings were rebuilt after destruction by fire in 1875, one of the largest was named in his honor, "Griffin Hall." Although retaining his

residence in Toledo, his business headquarters were in New York from 1874 to 1879, and in Chicago from 1879 to 1883; since which time he has been profitably engaged in the business of real estate and farming. He was elected in 1887 on the Republican ticket member of the 68th General Assembly, by a majority of 500; re-elected in 1889 by twice this majority; elected for the third in 1891 by over 1,500 majority; and elected for a fourth term in 1893 by a majority of more than 3,900. Was elected to the 74th General Assembly.

EDWIN HAGENBUCH.

Edwin Hagenbuch, Representative from Champaign county, was born in that county in 1850. He was raised on a farm and educated in the common schools. Resides in Urbana and is engaged in farming and stock raising. For more than twenty years has been active in the Masonic Order, being at present Grand Secretary of the Grand Chapter of Ohio. He is a strong Republican and a member of the Finance, Fees and Salaries, and Claims Committees. He was married in 1880 to Miss Nellie Howard, and they have two boys, George Edwin and Frank.



SAMUEL S. HAMILL.

Samuel S. Hamill, the Representative from the Harrison-Carroll District, was born on a farm near his present home, on the 22nd day of June, 1840. His early life was spent on the farm, where he grew to manhood. In the autumn of 1861, he enlisted as a private soldier in the Forty-third O. V. I. Returning to his home, he entered the acadamy at New Hagerstown in 1865, and when not in school, engaged in teaching in the country schools until January 1st, 1872, when he began the duties of sheriff of the county. After four years' service in that position he returned to farm life and has since engaged in farming and stock raising. He was elected a member of the Seventy-fourth General Assembly as a McKinley-Nash Republican. His ambition in legislative matters was to secure exact justice and benefits to those who toil on the farm, to unorganized as well as organized labor, irrespective of sex, color, or previous condition of servitude.

His family consists of three children, two sons and one daughter. He is a member of R. M. Lyon Post 405, G. A. R., of which he is a Past Post Commander. He has served as Chairman of the Committee on Ditches, Drains and Watercourses, and as a member of the Committees on Claims, Fish Culture and Game.

J. L. HANER.

J. L. Haner, Representative from Madison county, was born September 1, 1866, in Plain City, Ohio. He graduated in the first class of the Plain City High School, and at the age of twenty entered the Ohio State University, where he spent three years. He subsequently entered the literary and law departments of the Michigan University, at Ann Arbor, graduating in 1890 and 1891, respectively, and afterwards was admitted to the practice of law by the supreme courts of Ohio and Michigan. After a short time spent in the law office of Powell, Owen, Ricketts & Black, in Columbus, he began the practice of law in Plain City, and in 1893 was nominated by the Republicans of Madison county for the office of probate judge. He was elected by a handsome majority, and owing to his excellent record was re-elected in 1896 by a majority of 657.

In November, 1899, he resigned that office to accept the position of Representative to the 74th General Assembly.

In February, 1892, he was married to Lydia A. Miller, and they have two children, Norman Earl and Harold Amann.

HENRY HATER.

Henry Hater, Representative from Hamilton county, was born in Chauser, Germany, November 27, 1852. Emigrated to the United States with his parents in 1864 and located in Cincinnati, where he has resided since. Was educated in Germany and in the public schools of Cincinnati. In his early manhood he was engaged in the shoe business and in 1872 a firm was established under the name of Hater Brothers, which met with great success, and continued until 1891. At this period the partnership was dissolved, and the business at the present day continues under the name of Henry Hater. In real estate of Cincinnati he is also largely interested and is vice-president of the Tax-payers League, which has a membership of 2,000 property holders, and also a member of the Elks. A Democrat in politics. He also served in the 73rd General Assembly in 1898, and was re-elected to the 74th General Assembly in 1899.

Was married in 1879 to Miss Marie Wiechard. Has a family of three daughters and a son.

FRANK W. HENDLEY.

Frank W. Hendley, M. D., Representative from Hamilton county, was born at Cincinnati in 1860, of English parentage. After attending the public schools and Hughes' High School of Cincinnati and spending a few years in mercantile life, he graduated from the medical college of Ohio, in 1885.

He was Interne in the Cincinnati Hospital in 1884, and House Physician in 1885, after which he was engaged in the active practice of his profession until June 1892, when he was appointed Superintendent of the Cincinnati Hospital, and continued as such a little over four years. At present he is engaged in the practice of Medicine at Walnut Hills, Cincinnati. He is an enthusiastic National Guardsman, having served five years as Assistant Surgeon and four years as Surgeon of the First Regiment of Infantry, Ohio National Guard.

During the war with Spain he served as major and surgeon of the First Ohio Volunteer Infantry from April 25, 1898, until the regiment was mustered out October 25, 1898, and was continued in

the service by order of the Secretary of War, to make physical examinations of Ohio troops at Columbus until January 21, 1899. During August and part of September 1898 he was Chief Surgeon of the combined 2nd and 3rd divisions, 4th Army Corps, at Fernandina, Florida, on the staff of Major-General Lewis H. Carpenter.

In the Masonic Order he has always been prominent, being a Past Master and Past High Priest, and is at present Eminent Commander of Hanselmann Commandery Knights Templar, and an officer in the Scottish Rite bodies at Cincinnati.

He is also a member of the American Medical Association, the Ohio State Medical Society, the Academy of Medicine of Cincinnati, the Association of Military Surgeons of the United States and the Military Order of Foreign Wars.

He is a member of the Presbyterian Church.

Dr. Hendley was elected as an Independent Republican upon the Fusion ticket, receiving the third highest majority of the ten Representatives elected from Hamilton county. He has never previously held any political office.

FRED. H. HEYWOOD.

Fred. H. Heywood, one of the four Representatives from Franklin county, was born in Wapakoneta, Auglaize county, Ohio, November 21, 1870. He spent the early years of his life on a farm, and was educated at the Ohio State University.

He was admitted to the bar in 1894, and is engaged in the practice of law in Columbus, Ohio.

He was elected to the 74th General Assembly, as a Republican and was appointed chairman of the Committee on Municipal Affairs.

HARRY M. HOFFHEIMER.

Harry M. Hoffheimer was born in Cincinnati in 1868. He graduated from the public schools and the high school of that city. He continued his studies at Harvard University and graduated from Cincinnati Law School in 1889, being among the leaders of his class. He served the city of Cincinnati for two terms, as Assistant Corporation Counsel, under the Hon. Theodore Horstman, with whom he is now associated in the general practice of the law. Mr. Hoffheimer's strength at home was attested in the fall campaign of 1899, when he, together with Mr. Longworth, were the sole survivors of ten Republican nominees for the House as against the Fusion ticket headed by John R. McLean, and which swept Hamilton county.

The members of the 74th General Assembly will always remember Mr. Hoffheimer because of his determined fight against what appeared insuperable odds for the so-called Cincinnati Ripper Bill. Mr. Hoffheimer not only succeeded in ridding Cincinnati of a most obnoxious Board but secured this end through the united

Republican majority of the House, the passage of this bill made it possible for the Republicans to reclaim Hamilton county from the Democrats and so-called reformers. The subject of this sketch is a Past Chancellor of Highland Lodge Knights of Pythias, President of Cincinnati Lodge "Bene Berith" and is a member of Avon Lodge F. & A. M. He is single and resides with his mother in Avondale, Cincinnati.

ROSS E. HOLADAY.

Ross E. Holaday, the eldest of a family of five children, was born on a farm near Westboro, July 17, 1870. In this vicinity the first sixteen years of his life were spent. He attended the district school until 1886, when his father, S. A. Holaday, was elected Sheriff of Clinton county, and he with his parents removed to Wilmington. He graduated with honors from the Wilmington High School in 1890.

As a boy he was a characteristic one, with the customary dirty hands, face and large appetite, differing in naught except his gallantry to his younger sister.

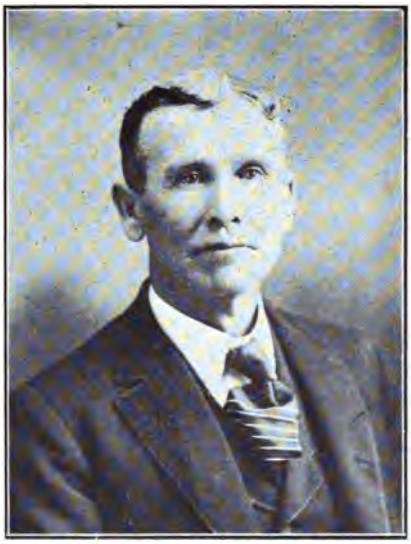
After graduation he passed a civil service examination and was mailing clerk at the postoffice at Wilmington, Ohio, for two years, resigning his position on account of ill health. He then taught school at North Fairview for two years when he was called to fill a position as teacher of Political Economy, Mathematics and Bookkeeping in the Davis Military School at Winston, North Caro-

lina, which position he held three years. He held a like position in Wood's Business College, Easton, Pennsylvania.

Mr. Holaday's ambition was the study of law, and winter evenings and summer vacations were devoted to the study of his chosen profession. During the winter of 1898 he read law with the firm of Smith and Savage of Wilmington, where he was able to know not only the theory but to observe the practice; he was admitted to the bar in the spring of the same year and immediately set about the practice of law. In the fall of 1899 he was chosen by the Republican party to represent Clinton county in the 74th General Assembly.

GRAHAM PUTNAM HUNT.

Graham Putnam Hunt, member from Hamilton county, was born in Cincinnati, August 7, 1873. He received his education in the schools of Cincinnati and at Harvard College. He is an attorney, being a member of the law firm of Monlimer, Bettman and Hunt. In 1899 he was elected as a Republican to the 74th General Assembly.



JOSEPH M. HUNTER.

Joseph M. Hunter, Representative from Richland county, was born in Blooming-grove township, Richland county, Ohio, April 29, 1844. His father being a farmer he received his education in the district school in the village of Rome. Being reared near nature's bosom he chose the occupation of a farmer and upon the death of his father, in 1864, assumed entire control of the farm, and took upon his own shoulders the responsibilities of the head of the family. In 1874 he was married, but continued to reside upon the farm until 1883, when he was appointed Superintendent of the Richland County Infirmary. While he was serving in this capacity he was elected Chairman of the State Infirmary Officials' Association. He still retains an honorary membership. Here he remained until 1890, when by the loss of his wife he was compelled to give up his office and return to his farm.

Mr. Hunter's sterling Democracy made him the leader in county litics and, led to his being elected to the 73d and re-elected to the

74th General Assemblies, defeating Harry H. Bowers, Republican, by a plurality of 938.

He is an able and conservative member of the important committees of Public Ways, Turnpikes and Asylums for Insane. His congenial disposition has made for him a host of personal friends, whose esteem he reciprocates in the highest degree.

Mr. Hunter was again married in 1894 to Mrs. Verda Chew.

He is a Mason and Knight Templar.

ROBERT L. IRVIN.

Robert L. Irvin, Representative from Ross county, was born in Lexington, Kentucky, May 22, 1842. At five years of age, his parents removed with him to Boyle county, near the old "College town" of Danville, where he received his education. He graduated first at Scudder Academy and then at Centre College, in the class of 1864. At college, was an enthusiastic Phi Delta Theta fraternity man. In January, 1870, he married Miss Annie Seymour, daughter of A. W. Seymour, of Bainbridge, Ohio. To them were born two sons and a daughter, one son still living.

He left Kentucky in 1876 and removed to Bainbridge, Ohio, remaining there four years when he came to Frankfort, his present home. All his business life has been spent on the farm, and in fine stock breeding. He is an elder in the Presbyterian Church.

In politics a Democrat. During the war, was an uncompromising "Union Man", belonging to the hospital and home-guard corps, was frequently called into *The Federal Service.*

Was elected to the 74th General Assembly by a majority of 163 over Hon. Fred C. Arbenz, Republican. His services in the Assembly have been along the line of the greatest good for the masses.

THOMAS KINSMAN.

Thomas Kinsman, Representative from Trumbull county, was born May 21, 1857, in Trumbull county, Ohio, in Kinsman, which township bears the name of its original proprietor, John Kinsman, grandfather of Thomas, who as a member of the Connecticut Land Company came from Lisbon in the year 1799. His son, Thomas, born in 1804, was one of the most extensive landowners of Northern Ohio. At his death the management of about two thousand acres of farm lands located in Gustavus and Kinsman devolved upon his sons, one of whom was Thomas, the subject of this sketch.

Thomas Kinsman attended the public schools and academy of Kinsman and was taking the preparatory course in Western Reserve University, Hudson, Ohio, when he was compelled by the death of his father to abandon the idea of a college education and at once to enter in earnest upon the work of life.

While continuing the policy of his father in making dairying his chief interest and raising large numbers of cattle and sheep,

Mr. Kinsman has for the past fifteen years devoted considerable attention to the trotting-bred horse and makes the raising of fine horses his specialty. He has always been a Republican and has been elected to various township offices on that ticket and was elected to the 74th General Assembly by the will of the Republican voters of the county by a majority of 3,948.

GEORGE KREIS.

Mr. Kreis was born in the year 1853, in Price Hill, Cincinnati, Ohio, and has resided there ever since. He led an active life since leaving school. At the age of sixteen started out in life as clerk in the drug business, and on account of ill health, having to give up said position, he went in the brokerage business, thence drifted to a commercial traveler, selling merchandise on the road for about ten years, afterwards serving as clerk in the Probate Court of Hamilton county eight and one-half years, resigning that position to become the general agent of an accident insurance company, the last five and one-half years has been treasurer of the National Investment Company, acting as such at the present time. Was married in the year 1879. He was elected a member of the General Assembly from Hamilton county as a Republican in 1893; and re-elected in 1899, serving the public with credit.

ERRETT LeFEVER.

Dr. E. LeFever, Representative from Morgan county, Ohio, was born on a farm in Homer township, Morgan county, Ohio. February 13, 1867. His ancestors are of French descent.

He attended district school and at the age of seventeen began teaching, and in this way secured money to educate himself. He attended the Ohio University at Athens, Ohio, and in 1887 attended the Medical College of Ohio, Cincinnati, Ohio, graduating from the latter March 6, 1890, after which he practiced his profession at Mountville, Ohio.

In 1897 he received the Ad Eundum degree from the Ohio Medical University, Columbus, Ohio.

On June 12, 1899, he was nominated by the Republicans of Morgan county for Representative and elected to the 74th General Assembly by a majority of 1,636.

NICHOLAS LONGWORTH.

Nicholas Longworth, Republican member from Hamilton county, was born in Cincinnati, November 5, 1869. He received his early education at the Franklin School and entered Harvard University, graduating from there in 1891. After spending a year at the Harvard Law School, he entered the Cincinnati Law School, receiving his degree therefrom. Was a candidate for the General Assembly in the fall of 1897, but was defeated with the rest of the Republican ticket. Is engaged in the practice of the law and has been a member of the Board of Education of Cincinnati.

In the fall of 1899 he was elected to the 74th General Assembly as a Republican.

MARO J. LOVE.

Maro J. Love, Representative from Erie county, was born in Roscoe, Coshocton county, Ohio, June 20, 1848. Resided with his parents in Coshocton, Ohio, and attended the public and private schools of Coshocton until 1866, when he entered Baldwin University, Berea, Ohio. Graduated from the pharmacy department of said institution in 1868, and at once entered upon the study of medicine, going to Brooklyn, New York, in February, 1869. He attended four courses of lectures, three at Long Island College Hospital, and one at College of Physicians and Surgeons, New York. Graduated in medicine from the former institution in 1871 and practiced medicine in Coshocton county until 1878, when he moved to Erie county, where he has since been in the active practice of his profession. Served eight years on the Board of Pension Surgeons at Sandusky. Has held various positions of honor in medical and other societies. Was elected to the 73d General Assembly as a Republican. Re-elected to the 74th General Assembly. Was Chairman of Committee on Medical Colleges and Societies of 73d and 74th General Assembly.

P. A. MACKENZIE.

P. A. Mackenzie, Representative from Cuyahoga county, was born in Inverness, Scotland, March 12, 1852. At the age of sixteen, he came with his parents to New York, but in 1870 the family moved to Sarna, Ontario. In 1874 Mr. Mackenzie commenced the lumber and building business. He also was interested in the flour and grain milling business until the early part of 1889, when he disposed of his interests and returned to the United States, settling in Cleveland. During his residence in Cleveland he was employed by Woods, Jenks & Co., lumber dealers, for more than a year, and with the King Bridge Company, as accountant for nearly eight years. His early education was received in the common and grammar schools of his native town and county. Although he never made application to the bar he has read law and political economy extensively. In Ontario he was a staunch Liberal and was elected, and served six years in the common council and three terms in the county council of Lambton. He was chairman of the council

committee on legislation for two terms and of the committee of equalization and assessment for one term. He was president of the city board of equalization for the city of Cleveland and resigned just before taking his seat in the 74th General Assembly, to which he was elected as a Republican, by a plurality of 10,800.

ALFRED FLOYD McCORMICK.

Afred Floyd McCormick, who represents Scioto county in the General Assembly, is a Republican of long standing and an able and well-known attorney; his postoffie being Portsmouth. He is one of the bulwarks on the Republican side of the House and his counsel and leadership are constantly in demand. Mr. McCormick was born October 15, 1861, in Scioto county, Ohio, and spent his youth in Nile township. His education in the arts and sciences was received at the National Normal School, Lebanon, Ohio, and at the Ohio Wesleyan University, Delaware, Ohio, receiving his B. S. degree. Choosing the law as his profession he attended the Cincinnati Law School, where he received his legal training and added L. L. B. to his name. Mr. McCormick has practiced his profession ever since except for seven years that he was manager of the Indianapolis office of R. G. Dunn & Co. On December 31, 1885, he was united in marriage to Miss Anne Corille Scarlett of Cincinnati.

In 1897 he was the Republican candidate from his home county, Scioto, for the General Assembly and was elected in November. He was re-nominated in 1899, and elected a member of the 74th General Assembly by an increased majority, notwithstanding the bitter opposition of the Anti-Saloon League.

JOHN A. McCURDY.

To the members of the House of the 74th General Assembly of Ohio:

As a Republican I was elected a member of the 73rd General Assembly by 667 plurality and re-elected a member of the 74th by a plurality of 1204.

This statement is made so that those who read this may know that I am not a Democrat.

Two years ago when a sketch like this was written for the 73rd Ohio "Blue Book" another man after asking me a number of questions wrote it for me and when I examined it with others in the same book I was reminded of what the poet said about epitaphs on tombstones.

For this reason I write this myself so that it will be correct.

I think that there are about 109 members of this House who are gentlemen (I am not writing about myself now) and to each and

all of them I desire in this public way to "thank you" for favors rendered and for the many "happy hours" whiled away with you.

Forget you? No. Of course I wouldn't
For if I would I know I couldn't.

Yours truly,

JOHN A. MCCURDY,

Troy, Ohio.

CHARLES J. McGLINCHEY.

Charles J. McGlinchey, Representative from Tuscarawas county, was born in Schuylkill county, Pennsylvania, March 10, 1869. He received some education in the schools of New Castle, and completed it by night study at home. He is a miner and has always taken a great interest in organized labor. He has attended all, local, district and state conventions of United Mine Workers from his section. He was nominated for the 73rd General Assembly by the Democrats of his county without his consent or solicitation, and although the county is 800 Republican, after the hottest campaign ever known there, in which Mr. McGlinchey spent little money, although he spoke a great number of times, he was elected by 400 majority. He is one of the brightest members of the young Democracy, a fluent and logical talker and an unremitting worker. He was re-elected to the 74th General Assembly.

He was married January 7, 1892, to Miss Sylvia Brick, and they have two children.

CHRIS. McKEE.

Chris. McKee, Representative from Noble county, in the 74th General Assembly, was born on a farm near Caldwell, Ohio, the county seat of Noble county, December 13, 1840. He was educated in the public schools; his early life was spent on the farm on which he was born. On becoming of age he went to Idaho and Oregon and there was engaged in gold mining for four years, then returned to Noble county in 1865 and was married to Martha A. Scott, December 21, 1865. He moved to the farm on which he now lives near Belle Valley, Ohio, April 1866, since which time he has been engaged as a farmer, lumber contractor and at the present time is drilling for and producing oil. He represented Noble county also in the 69th General Assembly, being elected both times as a Democrat when the county had a large Republican majority. Always ready to do a favor to any and all, his people appreciated his worth, making him very popular with all classes.

His father, Hon Ezra McKee was one of the first settlers of this part of the State and represented Morgan county in the General Assembly in 1836 and 1837, and also in 1850 and 1851, when Noble county was formed, being a part of Morgan, Washington, Guernsey, Belmont and Monroe Counties.

W. S. McKINNON.

W. S. McKinnon, Representative from Ashtabula county, was born at Owen Sound, Ontario, December 19, 1852. He early removed to the United States, and settled at Cleveland, where he spent his youth. Mr. McKinnon is a machinist by trade and is the owner of extensive machine shops. He has held several positions of trust among the people of Ashtabula county, having been member of the Board of Education, of the City Council and Mayor of Ashtabula.

He was married April 2, 1878, to Miss J. Octavia Porter, and they have four boys and one girl.

He is a strong Republican, and as such was elected to the 73rd General Assembly by 3896 majority. He was re-elected to the 74th General Assembly.

JOHN H. MAGEE.

John H. Magee was born in New York State in 1833, but early removed to Ohio, his youth being passed in Sandusky and Ottawa counties. He received his education in the common schools of Sandusky county, and engaged in mercantile business. This business he followed from 1861 to 1873, and since that time has been a banker and manufacturer. He has been singularly successful in business life, a success to be ascribed to talent and close attention to business. In 1856 he was married to Miss Sarah M. Teuch, and they have two children. Mr. Magee is a staunch and unswerving Democrat, and previous to his present position was treasurer of Ottawa county for two terms. In 1897 he was nominated at the Democratic county convention, of Ottawa county, for Representative, and was elected in November. He is a conscientious and careful business man, the kind of stuff of which the best legislators are made. He was a Member of the Finance Committee, also of

the Committee on Blind Asylum, and Drains, Ditches and Water-courses. He was re-elected to the 74th General Assembly, and made a member of the Finance Committee.

Mr. Magee is a member of the F. & A. M. Lodge at his home town, Elmore.

HUGH A. MANCHESTER.

Hugh A. Manchester, Representative from Mahoning county, was born on a farm near where he has lived all his life in Canfield, Ohio, March 5, 1837. His ancestor, Thomas Manchester, came from England in 1638, and settled in Providence, Rhode Island. He received his elementary education in the common schools of his native township, and completed a classic course at Mahoning Acadamy. At the age of eighteen he began to teach and continued in the same school twenty-five years. At the age of thirty years he was elected Justice of the Peace, which office he has held continuously ever since. For twenty-three years he was a member of the Board of County School Examiners and nineteen years clerk of the same. He has been cashier of The Farmers' National Bank of Canfield ever since its organization in 1887. Was married to Rose A. Squire, November 8, 1859, and has lived on and managed his farm during all these years.

He was elected to the 74th General Assembly as a Democrat and is a member of the Committees on Common Schools, County ffairs, and Municipal Affairs.

DANIEL B. MAUCK.

Daniel B. Mauck, Representative from Lawrence county, was born in Gallia county, March 15, 1853. In 1878 he moved to Proctorville, Lawrence county, where he has ever since been engaged in the mercantile business. Mr. Mauck is a Mason and Odd Fellow. He was elected a member of the 74th General Assembly on the Republican ticket in 1899, by a plurality of 2062, receiving 191 of the 200 votes cast for Representative in his home town Proctorville.

HENRI MELBER.

Seneca county is represented in the 74th General Assembly by Henri Melber, who was first elected to the 73rd, and by a majority of 1376 re-elected, running ahead of his ticket nearly 500 votes.

He was born in Bavaria, Germany, in 1851. His early life was spent upon the farm. He was educated in the public and normal schools at Republic, Ohio, and in 1887 graduated from the Ann Arbor Law School, since which time he has been engaged in his profession.

That the people among whom he has lived so many years appreciate his better qualities is evidenced by the fact of electing him for seventeen years continuously as Township Clerk, Mayor for four years, and securing his appointment for Postmaster for eight years. In the 74th General Assembly he is a member of the Committee on Fish Culture and Game, and of the Committee on Elections and Corporations.

His close application to his work on the floor of the House, his conservative and independent action on all questions, makes

him one of the most highly respected and important members of the present session.

While a true and loyal Democrat, he never allows his action to be controlled on party lines.

He was married to Belle M. Hill in 1885, who, during both the sessions of which he was a member, was present and shared with him all the pleasures and advantages his honorable position afforded.

CHARLES MERION, JR.

Charles Merion, Representative from Franklin county, was born in Franklin county, in 1857. Was raised on a farm near Columbus and educated in the country schools, Ohio Central Normal School, Baldwin University and Ohio State University. Was connected with the Ohio National Guard, private in Company "B" 14th Regiment 1878–80 and elected first lieutenant Company "F" in 1880, and Captain in 1885; he retired on expiration of term of service in 1890.

Mr. Merion taught school in public schools of Franklin county for five years.

In 1891 Mr. Merion was nominated for member of House of Representatives by the Republican party and was defeated by a small plurality. He was re-nominated in 1893 and was elected a member of the 71st General Assembly. Was re-nominated in 1899 and was elected a member of the 74th General Assembly.

Mr. Merion has for the past fifteen years been actively engaged in farming and gardening.

CLARK W. METZGER.

Clark W. Metzger, Representative from Stark county, was born at Richville, Stark county, Ohio, November 5, 1868, and received his education in the public schools, the North American Normal School at Fostoria, and the Ohio Normal University at Ada, Ohio. He began teaching at the age of 18 years and followed the profession twelve years, being at the same time engaged in other business pursuits in his native town. Mr. Metzger has always taken an active interest in public questions and has always been recognized as an uncompromising Republican, being for four years a member of the Stark county Republican Committee and at all times directing all his energies to the service of his party.

At the urgent solicitation of many friends he consented to stand as a candidate for Representative to the 74th General Assembly, and after an unusually vigorous and exciting contest he was chosen as one of the three nominees, to which his county is

entitled. He was elected at the November election, having the largest vote on the legislative ticket.

Mr. Metzger was married December 14, 1899, to Miss Hattie E. Yost, the daughter of Mr. and Mrs. Oliver Yost, of Massillon, Ohio.

He as a member of the House served on the Joint Enrollment Committee and on the Committee on Federal Relations and has applied himself closely to the discharge of his duties.

CLARENCE C. MIDDLESWART.

Clarence C. Middleswart, Representative from Washington county, was born in Lawrence township, Washington county, Ohio, on the 11th day of September, 1870, and resided on a farm, attending common school until seventeen years of age. Then attended Marietta College, graduating therefrom in 1894. Was Superintendent of Schools of New Matamoras, Ohio, from '94 to '96. Then attended the law department of the University of Michigan for one year at Ann Arbor, Mich., and in 1898 graduated from the law department of the Ohio State University, and is at present a member of the law firm of Sykes & Middleswart, at Marietta, Ohio. Was elected as a Republican from Washington county by seven hundred majority.

JOHN CARNEY MYERS.

John Carney Myers, the Republican member of the House of Representatives from Montgomery county, was born near Logansport, Indiana, September 24, 1864, to which locality his father, Rev. Daniel Myers, and mother, Mrs. Catharine Carney Myers, had removed from Ohio a few years before. The family soon thereafter returned to Ohio, living in Dayton several years, and then on a farm in the southern portion of the county, where the subject of this sketch spent his youth and acquired an education in the district school. At the age of twenty he began teaching school, in which profession he continued six years, when he took up the study of law and graduated from the Law School of the Cincinnati College in May, 1891..

He is a member of the Church of the United Brethren in Christ at Miamisburg, Ohio, where he has been superintendent of the Sabbath School for eight years.

He was elected to the General Assembly in November, 1899, by a vote higher than any of the other candidates for the same office. He is a member of the Judiciary Committee and also of the Committee on Temperance and on Asylums for Insane, and is Chairman of the Privileges Committee.

WILLIAM J. O'NEIL.

William J. O'Neil, Representative from Hamilton county, was born in Milford, Clermont county, Ohio, October 23, 1841. Removed in infancy to Cincinnati, where he has since resided. Was educated in the Cincinnati public schools and St. Xavier College. Served during the war in 10th Ohio Volunteer Infantry. Married in May, 1865, in Cincinnati, to Miss Josie Healy.

Engaged in printing and stationery business for a number of years in Cincinnati. He was admitted to the bar in 1878. Served as a member of the Board of Education of the city of Cincinnati from 1868 to 1880. He was appointed member of the Board of Elections of Hamilton county by Governor Foraker and subsequently re-appointed by Governor Campbell. He has always been a Democrat and as such was elected to the 73d and 74th General Assembly.

CLYDE R. PAINTER.

Clyde R. Painter, Representative from Wood county, was born in 1866 on a farm in Wood county. He attended the common schools and at twenty years of age entered the Ohio Normal University at Ada, Ohio, graduating in 1892. For a time he taught in the district schools and in 1894 he entered the law school of the Ohio State University. He was admitted to the bar December 6, 1895, since which time he has practiced in Bowling Green. As a Republican he was elected to the 74th General Assembly.

WILLIAM E. PARTINGTON.

William E. Partington, Representative from Shelby county, was born September 27, 1865, in Green township, Shelby county, Ohio. He was the son of a prosperous farmer and his boyhood days were spent on the farm. He received a common school education and on arriving at manhood resolved to enter the teacher's profession.

In order to prepare for his future work he entered the National Normal University, at Lebanon, Ohio, in 1884, and graduated in 1885. He began teaching in Green township in 1885, and taught thirteen successive years in the same township. His great success as a teacher was probably due to the studious home life he lived. He was also a graduate from the college at Fostoria, Ohio, and the university at Valparaiso, Indiana.

Though a self-made man, he was born a natural orator and a profound thinker.

Mr. Partington was twice elected clerk of the township in which he lived, and in 1899 was elected as a Democrat to the 74th General Assembly of Ohio.

WILLIAM G. PHARE.

William G. Phare, member of the House of Representatives of the 74th General Assembly, from Cuyahoga county, was born in Warrensville, Ohio, in 1863. At an early age he removed with his parents to East Cleveland, Ohio, where he has since resided. Mr. Phare was educated at the East Cleveland public schools, Shaw Academy and the National Normal University, at Lebanon, Ohio. After completing his education he studied law, was admitted to the bar and began to practice his profession in Cleveland, where he has been since continuously located. Mr. Phare is a Republican and has always been an ardent advocate of party principles, but never until he became a candidate for State Representative had he sought public office. As a member of the General Assembly he became actively engaged in the work of the House being a member and Secretary of the Committee on Judiciary, a member of the Committee on Soldiers' and Sailors' Home and Chairman of the Committee on Food and Dairy Products.

R. A. POLLOCK.

R. A. Pollock, one of the three Republican Representatives from Stark county, is of Scotch-Irish descent. Was born at North Lawrence, Ohio, August 24, 1870. He attended the public schools until thirteen years of age when he went to the coal mine to work, at which labor he continued for several years, but as he had paid close attention to literary work during his period of work in the mines, at the advice of friends he abandoned the mine and took up his schooling, attending the school at home for a couple of years and for a short time attended school at Mt. Union College at Alliance, Ohio, and later on took a commercial course at Valparaiso, Indiana, Normal School and then engaged in business with his father, who conducts a general store in his native town.

Early in Mr. Pollock's life he was recognized as a hard-working and enthusiastic Republican and was one of the leaders in the west end of the county. Twice has he been elected Justice of the Peace and a member of the School Board. The latter position he still holds.

Mr. Pollock is reading law.

After a hard fight he was elected by a large majority.

On the floor of the House he is considered one of the leaders being an able representative of the laboring interests, and never fails to let his voice be heard in their behalf. As a debater he is looked upon with favor and is solicited by friends for his services on all important measures.

He is Chairman of the Committee on Geology, of Mines and Mining, and a member of the Temperance Committee.

He is President of the Bachelors' Club, composed of eighteen members of the Assembly who have enjoyed many social sessions.

He is a member of the I. O. O. F., Jr. O. U. A. M. and the Ladies' Auxiliary and also the Elks.

LUTHER H. POOL.

Luther H. Pool, Representative from Logan county, was born in Miami township, Logan county, Ohio, June 20, 1854, in which township he has ever since resided. He received his education in the district school and DeGraff High School, taught school four Winters, and since that time has been engaged in farming and stock raising. He is one of the leading agriculturists of his county, being eleven years a member of the County Agricultural Society, and ten years a member of the Board of Education. He has held many positions of honor and trust in Church and Lodge. He was elected to the 74th General Assembly as a Republican.

AARON E. PRICE.

Aaron E. Price was born near Logan, Hocking county, Ohio, on December 10, 1861. He lived with his father on the farm until nineteen years of age. In the spring of 1881, he entered the Ohio University at Athens, from which he graduated in June, 1888, having completed the classical and the seven years' pedagogical courses.

He was principal of the Georgetown, Ohio, public schools for the two succeeding years, abandoning teaching altogether, and taking up the study of law in the office of Judge Samuel H. Bright, of Logan, Ohio, who now represents the Ninth—Fourteenth Senatorial District in the present Senate. He was admitted to the bar on March 3, 1892, and immediately went into the practice at Nelsonville, Ohio, where he remained for four years. He then located at Athens, where he has since followed his chosen profession. Mr. Price was married in June, 1889, to Miss Anna R. Klostermeier, of Marietta. To them have been born three children, one daughter and two sons. He was elected to the House in November, 1899.

as the member from Athens county, upon the Republican ticket, by a majority of 2517. He served on the following committees: Institution for Feeble-Minded Youth, Soldiers' and Sailors' Home, and the Judiciary, of which last committee he was chairman.

CHARLES S. RANNELLS.

Charles S. Rannells, of the Hocking and Vinton District, was born on the 28th day of April, 1844, in Guernsey county, Ohio. In 1850, he removed, with his parents, to a farm in Vinton county; he remained on the farm from that time until 1858, when he removed, with the family, to McArthur, the county seat of Vinton county. He received his education in the schools of McArthur. In the spring of 1862, he enlisted in Company H, 87th Ohio Infantry, for one hundred days; his regiment was sent to the Eastern Army, where he, together with his whole regiment, was captured at Harper's Ferry on the 15th of September, 1862; he was paroled on the field and sent through to our lines. The term of the enlistment of his regiment having expired, he was mustered out. The following winter he attended school at home. In September, 1863, he enlisted in Company L, 12th Ohio Cavalry, for three years; he was made Orderly Sergeant at the organization of the company and was promoted to the rank of Second Lieutenant on January 6,

1864; and again to First Lieutenant, on August 1, 1865; he was mustered out of the service at Nashville, Tennessee, on November 15, 1865.

In the spring of 1867 he entered the office of Drs. Wolfe and Rannells, of McArthur, Ohio, for the purpose of studying medicine: he graduated from the Starling Medical College, of Columbus, Ohio, in the spring of 1871. After graduation he returned to McArthur, where he entered into a partnership with his brother, Dr. D. V. Rannels, where he continued the practice of medicine for three years; he then located in Zaleski, Ohio, where he has resided since, except for about three years that he spent at Sandusky, Ohio, having been appointed Surgeon of the Ohio Soldiers' and Sailors' Home at that place.

In the summer of 1899 he was nominated by acclamation, by the Republicans of the Hocking and Vinton District, and at the election following, he was elected, defeating Hon. M. S. Cox, who was a candidate for re-election, by a majority of 418 votes.

STACY B. RANKIN.

Stacy B. Rankin, Representative from Clark county, was born in South Charleston, Ohio, and has spent his life in that community. He is a son of John Rankin, and is associated with his father and brother, James F. Rankin, in the Bank of South Charleston. He received his education in the public schools of the village, was elected to the 73d General Assembly as a Republican, and in April, 1898, was appointed by Governor Bushnell as one of the commissioners to the Trans-Mississippi Exposition at Omaha. Re-elected to 74th General Assembly.

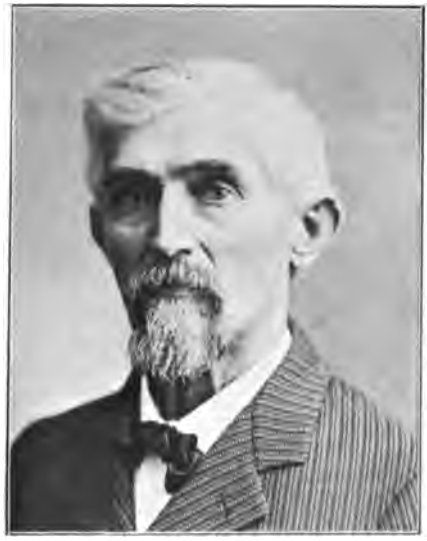
Mr. Rankin is the Secretary of the Ohio Bankers' Association, which position he has had since the organization of the Association in 1891.

REUBEN RANKIN.

The Representative from Fayette county, Reuben Rankin, was born at Milledgeville, Ohio, April 29, 1848. His early life was spent in that vicinity and his education, after leaving the common schools, was finished at Antioch College. He early engaged in teaching, but at length dropped that profession and has since been engaged in farming. Mr. Rankin is a thorough Republican and stands high in the councils of his party in his section. Almost continuously for ten years he has been a member of the Republican Central and Executive Committees of Fayette county, and for fifteen years was honored with the office of Justice of the Peace by his neighbors in Jefferson township. In 1897 he was the Republican candidate for the 73d General Assembly and was elected over J. A. Brush, Democrat, by 649 majority. In the organization of the House he was assigned to the committees on Turnpikes, and County Affairs, being Chairman of the former. He was re-nominated in 1899, without opposition, and elected over Wm. N. Dial, Democrat, by a

majority of 501. August 20, 1874, he was married to Miss May Creamer.

Mr. Rankin is a member of Jeffersonville Lodge No. 454, I. O. O. F., and of the Methodist Protestant Church.



WILLIAM L. RAUB.

William L. Raub, Representative from Marion and Morrow counties, was born in Mercer county, Pennsylvania, October 27, 1833. When quite young came with his parents to Knox county, Ohio. He received his education in the common schools of Knox county, and at the age of eighteen he went into the world to do for himself and was engaged as a farm laborer. When he was twenty-eight years of age he came to Marion county, and has since been engaged in farming and stock raising. He is President of the LaRue Bank, and in 1888 was elected County Commissioner and held said office for six years. He was nominated and elected to the 74th General Assembly as a Democrat.

FRANKLIN P. RIEGLE.

Franklin P. Riegle, Representative from Wood county, was born in Van Buren county, Michigan, May 14, 1870. When he was a few months old his parents removed to Delaware township, Hancock county, Ohio, where they resided until he was fourteen years of age, when the family moved to Jackson township, Wood county, in which place he has since resided. His early education was received in the district schools. He attended Findlay College and the Ohio Normal University, at Ada, Ohio. He commenced to teach at the age of seventeen, in which profession he has been engaged ever since. For the past two years he has been reading law with the determination to make that his profession. In 1895 he was married to Miss Maggie J. Dunn, an educated and accomplished lady, and they have one child, a daughter, Vivien E.

He is a member of the K. P. He was elected to the 74th General Assembly as a Republican.

THOMAS W. ROBERTS.

Thomas W. Roberts, Representative from Cuyahoga county, was born in Cleveland, Ohio, November 4, 1861, and received his education in the common schools of his native city. At an early age he entered the employ of the Globe Iron Works at Cleveland and has since followed the occupation of stationary engineer. He was for two years Inspector of Boilers in the city of Cleveland, having been appointed to that position by Colonel Louis Black, Director of the Fire Service, after a competitive examination, Mr. Roberts having had the highest standing among a number of other candidates for that position. He is a member of the National Association of Stationary Engineers, and is the author of House Bill No. 17, which provides for the licensing of stationary engineers throughout the State. This measure was endorsed by the labor organizations throughout Ohio, and Mr. Roberts, as their champion, was very successful in bringing about the passage of this act. Mr. Roberts is a Republican in politics and as such was elected to the 73d and 74th General Assembly, receiving a majority of 9,995 votes over his Democratic competitor.

NAPOLEON B. ROSS.

Napoleon B. Ross, Representative from Putnam county, was born in Montgomery county, Kentucky, September 22, 1841. During his infancy his parents, the late J. A. J. and Lucretia T. Ross, removed to Clermont county, Ohio, where he spent his early life, principally employed on his father's farm. After attaining his majority, he followed steamboating until 1866, when he matriculated in the Ohio Wesleyan University, and graduated in 1869. In 1870 he was elected county surveyor of Clermont county and held the office for two terms. In 1872-3 he was Superintendent of the Batavia Union Schools. For three years he studied law, but finding the legal profession distasteful, he abandoned it to engage in more congenial pursuits. For two years he was employed as editor of the National Advance. After retiring from the newspaper business he entered the ministry of the Methodist Protestant Church as a member of the Ohio Conference. In 1883 he was crippled in an accident, and then retired from the active work of the ministry.

During 1895 he was afflicted with malignant cancer in the face and on the nose and under treatment of Dr. B. Merrill Ricketts, of Cincinnati, survived one of the most painful but most remarkably successful surgical operations.

In politics he has always been an uncompromising bi-mettalist and greenbacker. He has devoted much time and money to scientific and philosophic investigation and research, and has made a number of valuable inventions and discoveries. During the session of the 73rd General Assembly he was allowed a patent on the Ross Voting Machine.

In 1871 he was married to Arminda C., only daughter of the late W. W. Gardner, of Clermont county. They have a family of five children, two sons and three daughters, three of whom are married. He was elected to the 73rd General Assembly as a Free Silver Democrat by the united vote of the Democratic and Populist parties of Putnam county, receiving a majority of 1,946 votes over his Republican opponent. He was re-elected by a largely increased majority to the 74th General Assembly, and at present is prominently mentioned as a candidate for nomination as Representative in Congress from the Fifth Congressional District of Ohio.

ERNST H. ROTHE.

Ernst H. Rothe was born at Watertown, Wisconsin, May 14, 1861, and came to Cincinnati with his parents in 1869, where he attended the public schools and Woodward High School. He then entered the Ohio Dental College, from which he graduated in the year 1881, and has since been engaged in the practice of Dentistry, in which he has been very successful. In late years he has been very active among the German Democrats and was elected President of the German Democratic Club of Hamilton county for the second time. He is also a prominent member of a number of other German societies and is known as one of the most prominent German speakers of Hamilton county. As a member of the 73rd General Assembly he rendered valuable service to his constituents and was, therefore, re-elected to the 74th General Assembly. Mr. Rothe's father, the late Emil Rothe, was well known throughout the Central States as the Silvér-tongued German Orator and was

admired by his fellow men for his character and knowledge of worldly affairs. He served his people in many high political offices.

Ernst H. Rothe was married to Miss Matilda A. Graser in the year 1884, who was at the time the only lady custom house broker in the world.

F. C. RUSSELL.

F. C. Russell, Representative from Meigs county, was born at Dorchester, Grafton county, New Hampshire, June 22, 1833. His parents moved to Ohio in 1836, since which time Mr. Russell has lived in Athens and Meigs counties. He enlisted in Company C, 30th O. V. I., July 1861, serving in that regiment and the cavalry service until 1865, leaving the army with the rank of major. Afterwards he studied law and was admitted to the bar at Chillicothe, Ohio, in 1871. Has practiced law from that time until the present, excepting for a time when he was common pleas judge. Was elected to the 74th General Assembly as a Republican.

WILLIAM SAFFIN, JR.

William Saffin, Jr., was born in the City of Cincinnati, Ohio, October 15, 1854. His father, William Saffin, was a moulder and President of the Iron Moulder's Association for ten years. His grandfather was a member of the General Assembly in 1854. He was the first marshal of the City of Cincinnati, later Judge of the Police Court and Judge of Common Pleas Court.

Wm. Saffin, Jr., was educated in the public schools of Cincinnati and at the age of fourteen years started in business as Molder, which he has followed ever since, with the exception of four years during which time he served as gauger under the administration of Grover Cleveland. Mr. Saffin is at present President of the Iron Molders' Union No. 4, and vice-president of the Central Labor Council of the City of Cincinnati.

He was married to Ella Cook in the fall of 1880 and six children, four boys and two girls have blessed their home. He was elected to the Legislature with the second largest vote of the dele-

gation and while there, has been an ardent worker for all labor causes, and especially for the abolition of convict labor in the State of Ohio.

Mr. Saffin is a firm adherent of the Catholic Church and has taken a foremost rank in charitable work among his sect.

P. A. SAYLOR.

P. A. Saylor, Representative from Preble county, was born January 2, 1871, in Van Wert county, Ohio. His parents early moved to Preble county where the subject of this sketch was educated. He attended the West Alexandria High School and graduated there in 1888. He then attended the Ohio Wesleyan University for five years and while there he took an active part in the athletics of the University. He spent the year 1894 at Buchtel College taking some specialty work. After leaving college he studied law in the law office of Hon. Oscar Sheppard at West Alexandria. In the fall of 1899 the Democratic party nominated him to represent them in the 74th General Assembly. He defeated R. E. Morrow, his opponent by a small majority.

JOSEPH E. SCHMIEDER.

Joseph E. Schmieder, Representative from Auglaize county, was born in Minster, Ohio, January 17, 1868. He was educated in the public schools of that place and at college at Dayton, Ohio. He served three terms as Justice of the Peace and two terms as mayor of Minster, Ohio. He was elected to the 73rd and 74th General Assemblies as a Democrat.

CHARLES FREMONT SEESE.

The politics of the Representative from Summit county in the 74th General Assembly is perhaps best indicated by his middle name. Born of humble parentage, he early learned the lessons of self-help and having a longing desire to better his condition he applied all his energies to the acquisition of knowledge. By close application in the common schools and private select schools he early in life fitted himself for teaching which profession he has followed successfully all his life. He has filled the office of Superintendent of Schools at Hudson, Ohio, for eleven years past and during all that time was a prominent member of the County Board of School Examiners, which office he resigned on being chosen Representative.

In the House he has been a hard worker and as Chairman of the Committee on Common Schools has distinguished himself by his fairness and successful work in the interest of the public schools.

He is also a member of the Committee on Boys' Industrial School and his counsel has been earnestly sought in the re-organization of that institution.

In August, 1880, he was married to Miss Luella May Cummins and together they are happy with a family of four bright boys.

ROBERT H. SHARP.

Robert H. Sharp, Representative from Fairfield county, was born in Sugar Grove, Fairfield county, Ohio, October 22, 1872. At the age of sixteen he entered the Ohio State University, taking the agricultural course. He left college in the year 1892, to succeed his father in business. He was in the contracting and quarrying business until the fall of 1899, when he was elected to the 74th General Assembly as a Democrat.

W. L. SIMPSON.

W. L. Simpson was born in West Virginia, June 8, 1835, was educated in Madison College, Antrim, Ohio. Chose the occupation of farming, in which he has been successful. During the Civil War was a member of Company "F", O. N. G. He has been actively identified with the educational interests of his community and county, always declining official positions until nominated as a Democrat to represent his county in the Seventy-fourth General Assembly. He was elected by a majority of six hundred and forty, the county being Republican from ten to thirteen hundred.

He was married to Miss Mary McGonagle in the year 1864.

ROBERT SILVEY.

Robert Silvey, Democratic Representative from Muskingum county, was born in Blue Rock township, Muskingum county, Ohio, June 30, 1826, now nearly seventy-four years of age, being the oldest member of the Legislature. He lived and worked on his father's farm until his eighteenth year, getting his education in the common schools of that time. For a few years he taught school in the adjoining district, where James A. Garfield taught at one time in his early years.

In April 1850 Mr. Silvey, with other young men, started to California via New York and Panama and after a delay of two months on the Isthmus of Panama, and a tedious trip on the Pacific he landed in San Francisco in the month of July, but returned to his old home in 1852 and engaged in mercantile business at different points on the Muskingum river for several years. Served his county as commissioner from 1869 to 1872; elected county treasurer in 1872 and re-elected in 1874, serving two full

terms, and acting as deputy treasurer from 1874 to 1876. Elected Mayor of the city of Zanesville in 1893. Elected as one of the members of the 74th General Assembly in November 1899, although Muskingum county has been a Republican county for many years, by from four to six hundred majority. Mr. Silvey was never defeated but once, and that was in 1880, when he was defeated for the office of Auditor by only fifty-two votes.

Mr. Silvey also served as director and president of the board of work-house directors of the Zanesville work-house, and has been president of the board of directors of the Homestead Building and Loan Company for the past thirteen years, and for the past twenty years has been engaged in the wholesale and retail furniture business.

Mr. Silvey's father, Robert Silvey, Sr., was a native of County Downe, Ireland, his mother was a daughter of Lieut. Augustine Anderson, a revolutionary officer of the New Jersey troops under Washington and Lafayette, consequently Mr. Silvey feels proud of his ancestry.

He was married in 1854 to Emaline Lucas and they are the parents of six children, four of whom are living.

HARRY C. SMITH.

Harry C. Smith, Representative from Cuyahoga county, was born in Clarksburg, West Virginia, January 28, 1863. Since 1865 he has been a resident of Cleveland, where he attended the public schools, finishing in 1882. In this year he began newspaper work as a reporter on one of the weekly papers of the "Forest City." In August, 1883, he began the publication of *The Cleveland Gazette*, of which he is editor and proprietor. In this year, he began an active participation in politics, which he has steadily kept up until the present. His paper being practically the only one of its kind in Ohio, is looked upon as the Republican organ of the thirty thousand colored Republican voters of the State. He has been prominent in politics at Cleveland, as the president of political clubs, as a delegate to county and state conventions, and was for four years State Oil Inspector. He has gained some prominence lentalist and composer. In 1893 he was elected to the Assembly as a Republican. In 1897 he was a candi- tate Senate, but failed of nomination by a few hun-

dred votes; receiving, however, a higher number of votes than five of the ten candidates, three of whom were successful and became the Republican nominees. In 1899, Mr. Smith was for the third time elected a member of the House by a plurality exceeding 9,000, although the county was lost to the head of the Republican ticket by over 15,000.

THOMAS R. SMITH.

Thomas R. Smith, Representative from Delaware county, was born on the farm where he now resides. Nothing remarkable marked his boyhood. He played the same games, engaged in the same sports and pursued the same studies and was whipped as occasion required, like other boys in school. Having planned for himself a liberal education he entered the Ohio Wesleyan University and by working vacations and teaching a few terms, was graduated in the classical course with the class of 1863. After graduation he taught in the city schools of Memphis, Tennessee, one year, and one year in the Military Institute of Cleveland, Ohio. He then completed the course of law studies and was admitted to the bar at Cambridge, Ohio. Soon after he engaged in general farming and grazing in Marion county. After fifteen years he bought the homestead and returned to the place of his birth.

Mr. Smith as an officer in the Order of Patrons of Husbandry, has visited every county in Ohio and numbers his friends by

thousands. A ready writer and a vigorous talker he is widely known as a practical farmer who practices what he preaches. He was elected as a Republican to the 73d General Assembly by 30 majority and to the 74th by 301 majority. He has shown himself to be an industrious worker and able defender of the rights of the common people. By voice and vote he opposed all raids on the treasury and yet showing a spirit of liberality toward all needy public institutions. No member of the General Assembly enjoys more fully the esteem and confidence of his fellow-members than "Smith of Delaware."

CHARLES LUTHER SWAIN.

Charles Luther Swain, Representative from Hamilton county, was born at Fincastle, Brown county, Ohio, April 19, 1866. His father was a miller, which trade young Swain followed for some years. At the age of thirteen years he removed with his father to West Union, Adams county, where he continued to make his home until he located in Cincinnati, Ohio. He taught school for eight years, four years of which he was School Examiner for Adams county. In summer vacation he studied law, entered Cincinnati Law School in the fall of 1892, graduated therefrom in May, 1893, with the degree of LL. B. After graduating he located in Cincinnati to practice his chosen profession. He was a member of the 73d General Assembly and was re-elected as a member of the 74th General Assembly. In 1898 Mr. Swain was a candidate for Congress of his party in the Second Congressional District of Ohio, and was the caucus nominee of the Democratic minority for Speaker of the 74th General Assembly.

Mr. Swain was married to Anna M. Burket, August 23, 1894. He is a member of the Presbyterian Church and of the Order of Knights of Pythias.

GEORGE A. THOMAS.

George A. Thomas, Representative from Huron county, was born September 11, 1856, in Huron county, and was brought up on a farm. He attended the schools of that county, entered the preparatory course at Oberlin College and later on attended Buchtel College, at Akron, Ohio. He taught in the common schools and studied law. He was admitted to the bar February 2, 1886. At this time he resided at Greenwich, Ohio. In 1882, he was elected Mayor of Greenwich; was Township Clerk of Greenwich township for two terms; was a member of the Board of Education of Greenwich Special School District, and its Treasurer. He was also Secretary for a number of years of the Greenwich Land and Building Association. In 1887 he moved to Norwalk and became a member of the law firm of McKnight and Thomas. In the fall of 1890, he was elected Probate Judge of Huron county, assuming the duties of that office February 9, 1891. He was re-elected in 1893 and served until February 9, 1897, after which he again engaged

in the practice of law with his former partner, McKnight, of which firm he is still a member. He was married April 10, 1880, to Miss Emma J. Miller, of Fairfield township, Huron county, and they have a son, Alton O. Thomas, who is a graduate of the Norwalk High School, and is at present a member of the sophomore class, Buchtel College, Akron, Ohio.

In 1899 he was elected to the 74th General Assembly as a Republican. He has been a representative in the Grand Lodge of Odd Fellows of Ohio. Judge Thomas is a member of the Judiciary Committee, the Committee on Hospital for Epileptics and Chairman of the Committee on Universities and Colleges.

HARRY A. TILDEN.

Harry A. Tilden was born at Rocky River, Cuyahoga county, September 19, 1868, and was educated at the public and private schools in the city of Cleveland. He was left on his own resources when but twelve years of age and learned the machinist and engineering trades. Studied law with the well known firm of Morrow & Morrow and attended one course of lectures at Ann Arbor. He was admitted to the bar in 1892.

He is a member of Americus Lodge No. 586 K. of P., member of Halcyon Lodge Cleveland Chapter; Holy Rood Chapter No. 32 Masons.

Was elected to the 74th General Assembly by 12,000 majority.

ELE W. TULLER.

Ele W. Tuller was born in Perry township, Franklin county, September 27, 1836. When he was two years of age his parents moved to Dublin, Franklin county. After attending the public schools of Dublin, he took a course in M'Coy's Commercial College, Columbus, Ohio, and then read law in the office of James E. Wright and was admitted to the bar in 1858, but never practiced his profession. He was engaged in the general merchandise business in Dublin, and in that of shipping stock to eastern markets from 1858 to 1863, and in August of the latter year was appointed clerk in the Commissary of Subsistance under Capt. Eli F. Jennings, and for two years until the close of the war was stationed at different points in the South. After his discharge from the service he returned to Dublin, where he has since been engaged in the general merchandise business, and in farming. He was elected Justice of the Peace in 1868 and has since been re-elected at the expiration of each term of office. Mr. Tuller was an unsuccessful

candidate for State Senator for the Tenth District of Ohio, in 1897, on the Republican ticket. He was elected Representative for Franklin county to the 74th General Assembly in 1899. Mr. Tuller was married to Sarah E. Everett, February 5, 1862.

SUMNER E. WALTERS.

Sumner E. Walters, Representative from Van Wert, the youngest member of the House, was born in Willshire township, Van Wert county, Ohio, November 12, 1874. He was born and raised on a farm, attended the district school until fifteen years of age, after which time he spent several terms in the Western Ohio Normal School at Middlepoint, Ohio, there preparing himself for the profession of teaching, in which he has been actively engaged during the winter months since his seventeenth year. During the summer of 1894 he attended the Steadman Business College at Toledo, Ohio.

He married Miss Kittie Allen, December 23, 1894. They have two children.

He now owns and resides upon a farm in Liberty township, Van Wert county, and was elected to the 74th General Assembly as a Republican.

WILSON S. WARWICK.

Wilson S. Warwick was born in Milford township, Butler county, Ohio, November 21, 1850. He was reared on a farm and attended the Southwestern Normal School at Lebanon, Ohio, leaving that school at the age of seventeen to engage in business for himself. He located at Hamilton, Ohio, where he was occupied as general agent for a large manufacturing concern, continuing in that capacity for ten years. His experience in this line was invaluable in giving him a large acquaintance in different sections and in obtaining that knowledge of men and affairs so essential to every man in public life. Mr. Warwick, while a close observer of current events and always interested in public questions concerning the welfare of the people, never sought or held any political office until chosen by the Democrats of Butler county as their Representative in the 74th General Assembly.

URIAS F. WELLS.

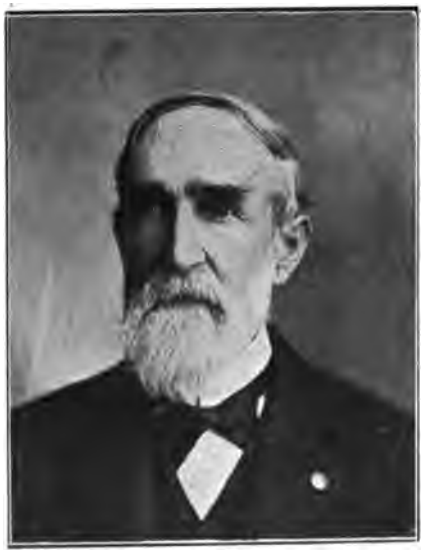
Urias F. Wells was born in Ripley township, Holmes county, Ohio, July 28, 1843. Was educated in the common school of Ripley township. He commenced teaching school at the age of eighteen years, farming and buying stock in summer time and teaching school in the winter for ten years.

He married Miss Louisa M. Mathewson, January 14, 1864, to which union one son was born. Mr. Wells moved to Shreve, Wayne county, in the spring of 1880, where he has lived ever since, purchasing the farm well known as the "Oldroyd Homestead" in the spring of 1885, in which he lived ten years, he continued to farm and bought stock, wool and hay for his farmer friends. In the spring of 1896 he was elected as member of Shreve School Board and by the Board was elected its President, which office he now holds. He was elected as Water Works Trustee in 1898, and is Secretary of the Board at present. He is the grandson of Thomas

Shreve, who represented Wayne county in the General Assembly from 1839 to 1843.

Mr. Wells was elected to the 74th General Assembly by 1325 majority against a staunch Republican. Mr. Wells has been a member of the Christian Church since 1862, and is now serving his 33d year as Sunday School Superintendent.

Is a member of the Committee on Agriculture and Fish Culture and Game.



WILLIAM T. WHITACRE.

William T. Whitacre, Representative from Warren county, was born January 17, 1835, in Morrow, Warren county, in which city he has always made his home. After acquiring an education in the public schools he engaged in the grain business, and since 1860 has been identified with the grocery, dry goods, lumber and coal business. Aside from his other enterprises, Mr. Whitacre is engaged in farming. During the war he was one of the hundred day men, enlisting in the 146th Ohio Volunteer Infantry, with which he served about four months in West Virginia, and he now retains his associations with the veterans of the Rebellion, as a member of Sul. Stephens Post No. 353, Grand Army of the Republic. He served as Township Clerk, Justice of the Peace and Township Trustee; was a member of the 68th General Assembly, and while in that honorable body was instrumental in securing the passage of numerous bills pertaining to county affairs, one of which, a road bill,

became prominent throughout Warren county. He was elected to the 74th General Assembly.

For over forty years he has been an active Republican, having started with the party in 1856. He has been President of the Warren County Agricultural Society, and of the County Horticultural Society. On frequent occasions he has been chosen delegate to the State, County and District Conventions, and was President of the first Republican League of Ohio.

He is a member of the Masonic fraternity, being affiliated with Morrow Lodge, Morrow Chapter and Miami Commandery at Lebanon.

FRANK B. WILLIS.

Frank B. Willis, Representative from Hardin county, was born at Lewis Center, Ohio, December 28, 1871. When he was two years old his parents removed to Galena, Ohio. He went to school in the winters and worked on the farm summers. When he was sixteen years of age he attended the Galena High School, for five months, and then taught in the county schools in Delaware county for two years. In the spring of 1890 he entered the Ohio Normal University at Ada, Ohio, worked his way through, graduating in 1893, since which time he has been a teacher there.

In 1894 was married to Miss Allie Dustin, of Galena, Ohio. He has been an active working Republican in his county and was nominated and elected to the 74th General Assembly.

JOSEPH D. WILSON.

Joseph D. Wilson represents the Joint District of Adams and Pike counties of the 74th General Assembly.

In politics, he has always been a Republican, having been born in a Republican atmosphere and all his life been a student of Republican doctrine. He has been an active working Republican since he was eighteen years of age, showing his loyalty to the party by financial contributions and by active and effective work as a campaign speaker.

Almost continuously for ten years he has been a member of the Republican Central and Executive Committees of Pike county and served the public in several township offices for a period of twelve years.

He is a member of the Committee on Public Works, Deaf and Dumb Asylum, Fish Culture and Game and Revision, and is ever alert to the legislation pertaining to the interest of the agriculturists.

He is a man of genial manners, firm convictions, conservative